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Standing Committee on General
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Official Report of Debates (Hansard)

Thursday 23 April 1992

Journal des débats (Hansard)

Le leudi 23 avril 1992

Standing committee on general government

Organization

Comité permanent des affaires gouvernementales

Organisation



Chair: Michael A. Brown Clerk: Deborah Deller Président : Michael A. Brown Greffière : Deborah Deller





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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday 23 April 1992

The committee met at 1024 in room 151.

ELECTION OF CHAIR

Clerk of the Committee (Ms Deborah Deller): Honourable members, it's my duty to call upon you to elect a Chair. May I have nominations, please?

Mr George Mammoliti (Yorkview): I would like to nominate an individual I have gotten along with over the past year and a half, certainly an individual who has seen red on more than one occasion, not only in this committee but the colours of his party as well. At this point I would like to nominate Mike Brown for Chair.

Clerk of the Committee: Mr Mammoliti nominates Mr Brown. Are there any further nominations?

Ms Dianne Poole (Eglinton): I think that's an excellent choice.

Clerk of the Committee: There being no further nominations, I declare Mr Brown elected Chair of the committee.

ELECTION OF VICE-CHAIR

The Chair (Mr Michael A. Brown): My first duty is to entertain nominations for the position of Vice-Chair.

Ms Poole: I would like to move that Carman McClelland be appointed as Vice-Chair of this committee.

The Chair: Are there further nominations? There being no further nominations, I declare that nominations be closed and that Mr McClelland be elected Vice-Chair.

BUSINESS SUBCOMMITTEE

The Chair: The next order of business is the appointment of a business subcommittee.

Mr Arnott moves that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair or at the request of any member thereof to consider and report to the committee on the business of the committee; that substitution be permitted on the subcommittee; that the presence of all members of the subcommittee is necessary to constitute a meeting; and that the subcommittee be composed of the following members: Mr Brown, Ms Poole, Mr Ferguson and Mr Arnott.

Motion agreed to.

The committee adjourned at 1027.

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Second session, 35th Parliament

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Standing committee on general government

Child care

Assemblée législative de l'Ontario

Deuxième session, 35° législature

Journal des débats (Hansard)

Jeudi 11 juin 1992

Comité permanent des affaires gouvernementales

Garde d'enfants



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday 11 June 1992

The committee met at 1622 in room 151.

CHILD CARE

Consideration of the designated matter pursuant to standing order 123, relating to child care.

The Chair (Mr Michael A. Brown): The standing committee on general government will come to order. The purpose of this meeting is to deal with a 123 designation dealing with child care. Mr Marchese.

Mr Rosario Marchese (Fort York): I would like to move the adoption of the subcommittee report and also the recommendations entitled Standing Committee on General Government, Standing Order 123, Government Response.

Mr Gilles Bisson (Cochrane South): I would second the motion.

The Chair: It doesn't need to be seconded. They are both moved. You may discuss your motion.

Mr Steven W. Mahoney (Mississauga West): Are those two separate motions?

The Chair: It was one motion together. It's on the floor. Discussion? Each party will have slightly less than 20 minutes.

Mr Bisson: Mr Chair, just before we get started, I would prefer if we were able to do it in 10-minute blocks, if that's agreeable with the other parties.

The Chair: Agreed? Interjections: Agreed.

Mr Cameron Jackson (Burlington South): Is the clock running?

The Chair: Yes.

Mr Jackson: On a point of order, Mr Chairman: I still want it explained to me, now that we're in committee, how we can table a report from the government that has not been circulated to all committee members. I thought the subcommittee report was supposed to be dealt with separately and voted on separately. Now your ruling is that they can combine them. I'd request that the two reports be separated and voted on separately.

The Chair: Is there anything out of order with that?

Clerk of the Committee (Mr Franco Carrozza): If I may answer your question, Mr Jackson, the committee can move a motion as it wishes, and that is what Mr Marchese has done. You have the opportunity to read the report right now and propose amendments to it. You also have an opportunity to propose amendments to the second section of the report. The committee must act when it receives the report.

Mr Jackson: Which report?

Clerk of the Committee: It does not matter.

Mr Jackson: Which report?

Clerk of the Committee: The report that is given to us, which is this report here, and this is the section added to it.

Mr Jackson: The government recommendations.

Clerk of the Committee: That is correct.

Mr Jackson: And the motion from Mr Marchese was to combine the two.

Clerk of the Committee: That is correct.

Mr Jackson: I've asked that that be separated so that I can deal with the—I believe, Mr Chair, we can deal with the first report.

Mr Marchese: That's fine.

Clerk of the Committee: He can make that amendment, Mr Chair. He can propose that.

Mr Marchese: That's fine, it's agreeable with the movers.

The Chair: It's agreeable.

Clerk of the Committee: An amendment by Mr Jackson that the two reports be separated and there will be a vote—

Mr Jackson: That the report of the subcommittee be approved by the committee. At least we can salvage half a report that we at least agreed upon as a committee, and we have some respectability for this report.

The Chair: Fine, that's agreeable by the mover. Mr Marchese moves the subcommittee report.

Mr Bisson: Mr Chair, I would move that the question be put, adoption of the standing committee—

The Chair: I think we will reserve all votes until the end, as is required, I think, under the standing orders.

Mr Bisson: We're going to go in 10-minute blocks, I understand, Mr Chair? Is that agreeable to the rest of the committee.

The Chair: Is that agreed?

Mr Jackson: No, I am only prepared to go on time allocation if the other caucuses are prepared to table their recommendations. I don't think it's fair to the government that we spend an hour working on the government recommendations when Mrs Poole by her own admission says she's ready with her report. I don't see why the government shouldn't have an opportunity to ask questions. They're being denied the opportunity to ask questions about the minority report, which they are not privy to, and that is, again, part of the process which I find offensive.

The Chair: On that point of order, Mrs Poole.

Ms Dianne Poole (Eglinton): Actually the way a 123 is set out by the standing orders is that the time has to be allocated evenly among the three parties. Since during the hearing process all time was allocated evenly among the three parties, it then stands to reason that in order to meet

the dictates of the standing orders, we have to allocate the time here today evenly among the three parties.

Mr Jackson: I don't disagree with that, Mr Chair. What I'm saying is—

The Chair: Mr Mahoney.

Mr Jackson: Okay, but I'd like to comment on the question.

Mr Mahoney: It has always been my understanding that a committee which is dominated by the majority members of the government would deal with the report, put motions, and they would either carry or be defeated. If the opposition disagreed with the end result of that report, the opposition would submit a minority report saying, "We disagree with the majority report of the committee." You don't submit a minority report before there is a report to be in disagreement with.

So we have to deal with the government's position. I never recall, as a sitting member of the government side on committees, our debating minority reports. Quite often the minority report was not even ready when the committee was finished its work. It just happens to be that our critic has shown some diligence in preparing a minority report based on what we assume is going to be the government's report. If that changes as a result of these meetings, then our minority report may indeed change.

But we have some confidence that the government, in putting forth government response—we have some sense that the government believes what it's saying in putting forward the response and therefore that's going to carry and therefore that's going to be the report. If that's the case, we do have a minority report, but we're not prepared to submit a minority report of the opposition party until we see what the government report is. So I have no idea, with all due respect, where Mr Jackson's coming from.

The Chair: I would like to take a 10-minute recess, because what is happening here is that for procedural reasons we are eating up the time that everyone has to speak to the main body of the report. So we will go into recess for 10 minutes.

The committee recessed at 1629.

1700

The Chair: We have a motion on the floor which deals with Mr Marchese's motion to adopt the subcommittee report.

Motion agreed to.

The Chair: Mr Bisson, you wish to speak to the second part of Mr Marchese's report?

Mr Bisson: Yes, Mr Chair. I'd like to speak to the government response to the first part of the report we just adopted. Basically I would like to first of all point out two or three of the main points that were put in the actual motion on the 123 that was presented by Mrs Poole from the Liberal caucus. She says in her motion basically that, "The impact on women of the government's policies relating to independent child care centres in that these policies will impose further barriers to women's full and equal participation in the employment market, such examination to include the role of independent child care centres..."

I would like to point to the government response. The Ministry of Community and Social Services responded to that particular point. If we take a look, first of all, at the sixth recommendation in the report, it says: "To continue the public consultations to get input into flexible models to encourage diversity in options for parents." If we remember hearing one of the points that was made on a number of occasions on the part of some of the presenters who came before the committee, they talked about how they felt what was going to happen was they wouldn't have the option of choice when it came to provision of day care for their children.

What we're saying here in the recommendation is that the parents will still have that option of choice. What we're saying is that those private operators that are in business now operating as private day care centres have the opportunity to continue to do so. They will still receive the grants they're entitled to, this portion. But what the government wanted to do was move more towards a child care policy that would direct the dollars we have into the public sector.

We're doing that for a couple of reasons. One of the reasons, fairly basically put, is that if you're going to try to develop over the long term a child care policy that will be for the people of this province, you have to have some sort of a vehicle or mechanism by which to direct your health care dollars. We feel, based on the work that has been done on the part of the ministry—also, I would point to some of the points that were made in regard to some of the presenters in this report—that if you're able to invest into the non-profit sector, the government has a better opportunity to be able to direct what happens within the policy itself. There's the question of accountability on the question of the boards, and having the opportunity to carry that policy through so that it can best reflect the needs of the people of the province.

I just want to say very clearly that what's happening in the private sector, for example in a community like mine, which is Timmins, where the only person in town who actually operates a day care centre is in the private sector, is that person will have the opportunity to continue to receive the grants that are presently in place for that benefit, and parents who choose to keep on going there, that's fine; that is entirely their choice. But if we were to open another centre, then we would direct new dollars to a non-profit centre, and that would actually give the parents more choice in the end.

There are a couple of other points I'd like to make, but I think I'm just going to stop it at that point. I'll leave it over to the other caucuses in order to make their comments and we'll take it from there.

Mr Jackson: Could I have a question, Mr Chairman? The Chair: Yes, Mr Jackson.

Mr Jackson: On that point, was it not an understanding that the decision whether or not a centre would be eligible for conversion and therefore still be available to the parent—in other words, choice doesn't have to do with whether it's commercial or non-profit but whether or not the parent has the choice to stay in the same day care centre. Did your minister not indicate that she would be deciding which communities, based on supply, she felt day

care centres would be allowed to operate in and continue through the conversion plan, and therefore that some parents may lose the choice of their day care centre and their day care worker and the local centre because the government has chosen not to make them eligible for conversion? Is that not the point of choice that was raised in your report?

Mr Bisson: No. First of all, we're under time allocation.

Mr Jackson: Where does it say we're under time allocation?

Mr Bisson: We're under time allocation. If you want to address that—

The Chair: Section 123(d).

Mr Bisson: Yes.

Mr Jackson: Correct, but I'm asking a question of clarification on your time.

Mr Bisson: No. Under time allocation in the standing orders, the government and every other party, within the role of this committee, takes the opportunity to address the points it wants to within the purview of this committee. If you want to use your caucus's time in order to raise questions and we have an opportunity to respond—

Mr Jackson: On a point of order, Mr Chairman: As I understand it, the government has tabled a series of recommendations, and in the process of tabling them we are now discussing a motion. Do we not have a motion on the floor?

The Chair: Yes, we do.

Mr Jackson: That is correct. So, am I being told I cannot ask questions when the government is presenting its motions?

The Chair: Mr Jackson, during your time you can ask any questions that you so choose.

Mr Jackson: No. I had a point of clarification and I asked. Are all points of clarification now being moved into time allocation and therefore we're being muzzled? Is that what I'm being told?

The Chair: The Chair is following the time allocation. You can ask any questions that you wish. The government can respond if it wishes. But it's their time when they respond; it's your time when you ask.

Mr Jackson: Well, that's a new ruling.

Mr Bisson: Just to be clear: I take it that the time we've used up to this point is not going come out of my caucus's time allocation, Mr Chair?

Mr Marchese: We had an understanding.

Mr Jackson: What understanding did you have?

The Chair: The understanding is that I have to divide the time equally.

Mr Jackson: That's correct, but I thought we were allowed to ask questions. You're saying that everybody gets their chance for commentary. I have some questions about points of clarification on something I'm going to be voting on. I still have the right in committee to ask a question. Not to give a speech, but simply ask a question.

Mr Marchese: In your time.

The Chair: Yes, you do. I just agreed to that. You can ask any question you wish, Mr Jackson.

Mr Bisson: Within his time allocation. The Chair: Mr Jackson, you're next.

Mr Jackson: I'm not prepared. I'll yield. Come back to me. Thank you, Mr Chair.

The Chair: Fine, thank you, Mr Jackson. Mrs Poole.

Ms Poole: Mr Chair, on a point of clarification: We had set up a process which I thought had been agreed upon, where each caucus would take 8 minutes and at the end of the 8 minutes the Chair would advise that it was expired. The next caucus would have a chance to either respond or make its points and then it would rotate after that 8 minutes. Suddenly this process has broken down. Could we please revert to what was originally agreed upon, and each caucus use its 8 minutes in rotation—

Interjections.

The Chair: I'm trying my best to keep track of all the time that's being used, and this is a very difficult process. I would appreciate that we perhaps move in some kind of a reasonable rotation. I'm giving each caucus 17 minutes. It's your time.

Ms Poole: Mr Chair, would you please advise me when half of my time—8 minutes—has expired? Or perhaps the clerk could.

The Chair: I shall.

Mr George Mammoliti (Yorkview): On a point of privilege, Mr Chair.

Mr Jackson: A point of order, not privilege.

Mr Mammoliti: A point of order. A point of whatever.

Ms Poole: This is your time, George.

Mr Mammoliti: Mr Chair, for the record I'd like four and a half minutes put back on to our time.

The Chair: I've been keeping very careful track of everyone's time, Mr Mammoliti.

Ms Poole: Mr Chair, my time is now beginning?

The Chair: Yes.

Ms Poole: I feel like we've reverted back to kindergarten.

Mr Chair, the general government committee was specifically assigned the task of a 123 designation, a 12-hour discussion, examining the impact of the government's child care conversion policy, the impact of that policy on women, on children and on families. It is the opinion of the Liberal caucus that this committee failed to fully examine this issue. In fact, the focus became the funding of private versus non-profit child care centres.

However, the Liberal caucus does believe that there are a number of statements emanating from the hearings that can be made about the impact of the conversion plan on women. Throughout the hearings it was quite evident that the majority of those affected by the conversion policy will be women: women who do work in the centres, operate the centres and use the centres. For the women who work in private centres, they're very concerned that, due to the government's policy, centres will close. This is basically because of two factors. The first is that the government made it clear that new wage enhancements are limited to the non-profit sector, which means that the wage gap between

private sector child care workers and non-profit child care workers has widened.

Second, as part of the policy the government requested that municipalities direct new subsidies to the non-profit sector only. It was only in situations where there was no non-profit sector available, where private was all that was available, that the government wanted municipalities to direct new subsidies to private centres.

Obviously these two policies have a very major impact on private sector child care. The women who work in the child care sector are very concerned that their centres may well close. They are concerned that job security, loss of benefits and inferior treatment as individuals by a government—a government, by the way, that was supposed to be committed to women—are going to be the results.

1710

When Judith Preston of the Association of Day Care Operators of Ontario addressed the committee, she described the total losses as intangibles. I'll quote from her: "Reputation, future earnings, seniority, education, career expectations, equity, time and effort, loss of salary and benefits, mental distress for being forced out and the loss of livelihood and dreams."

This was further supported by one of the witnesses, Janet Hodgkinson, who for 21 years worked in private sector child care. She said that the government's policy made her feel inferior to a person with the same years of experience who was working in a non-profit centre. "According to the government, I have therefore contributed nothing to the welfare of the children in my care." That was what she felt had happened because of this policy.

We had the executive director of ABC Child Care Centre, who presented letters from his staff, who wrote: "There is a lot more at stake than just money. What about loyalty? What about sweat and years of dedication? What about

pride?

"There are employees at our centres, like myself, who have been with ABC from the beginning. That's 10 years of hard work and dedication. We are like a family. We are happy with the way things are, because each and every one of us has built up our centres to be what they are today."

Finally, the government's policy of only paying new wage enhancements to non-profit sector child care workers will, as I mentioned earlier, increase the wage gap between private sector and non-profit workers. It will be increasingly difficult for private centres to attract and retain staff.

It was very clear, from the presentations made to us, that private operators, private child care staff and the users of the system—the mothers, the fathers, the parents, the children, the families—all felt that the government's policy was going to be detrimental to private child care centres and, in certain instances, would end up forcing them to close. If they could not rely on new subsidies and if the wage gap continued so they could not pay their employees a reasonable wage, then they would not be able to operate and compete.

As far as the impact on women who use the centres and on their children and on the families, the two major considerations when choosing a neighbourhood service such as child care are convenience and trust. For many families the centre they choose, regardless of auspice, is the one that provides the service they desire and is convenient in terms of location and hours of operation. But it is going to be extremely difficult for centres that are on the border-line right now and will be pushed over the edge. If they cannot receive new subsidies and if children from that centre leave for whatever reason—they move; they outgrow the need for child care—and they can't replace those subsidies, then it becomes increasingly obvious that the ramifications are going to be felt by the users of the system.

That gets into the right to choose. I believe there was a statement by the government representative that there is choice. But there is no choice if a centre is financially disadvantaged to a state where it cannot continue to operate. That eliminates the choice.

Then we go to the impact on the women who operate the centres. The women who operate private centres do face a loss of livelihood if they're forced into converting or closing. I guess the government's response has been, "Well, they could perhaps manage the non-profit sector child care if they convert." However, you have people like Carolyn Koff, one of the very articulate presenters we heard, who stated that she had a master's degree in education; she didn't have an early childhood education degree. Therefore, if she converted her centre, under the rules and regulations she would not be allowed to operate a non-profit centre. Notwithstanding the fact that she has magnificent qualifications—and that is true—she doesn't meet the criteria.

Mr Chair, at this time I'd like to waive the balance of my time until later.

The Chair: Thank you. Mr Bisson, you have about 13 minutes.

Mr Bisson: I think Mr Jackson had a point.

Mr Jackson: Yes, I had a question. With respect to Mr Bisson, I'm ready to ask it at this point. I need a question of clarification, Mr Chairman, and it has to do with recommendation 6. This is confusing and I need this clarified. The government says "Recommendation 6," and that precedes the commentary, or are these numbers out of sync? Do you see what the problem is in this report? It says that "Parental Choice/Parental Input" is 5, and that says recommendation 6. Do those two go together? Is that how I'm to read that? Could I have help here? I want to ask a question, but I'm not sure which preamble fits that.

Mr Randy R. Hope (Chatham-Kent): The preamble is the one that you're looking for, number 6. It starts with 6 at the top, which talks about recommendation 7. You've got your preamble before and your recommendation follows.

Mr Jackson: Recommendation 6—

Mr Bisson: Ties to 5.

Mr Jackson: Ties to 5. That's what I needed to know. So they're not numerically exact. Okay.

Can I ask Mr Bisson a question, please? Can you explain to me what you mean by, "To continue the public consultations to get input into flexible models to encourage diversity in options for parents"? What models are there other than the non-profit model? I'm asking your government a question.

Mr Bisson: You're under your time allocation at this point.

Mr Jackson: Of course I am.

Mr Bisson: I don't want to burn up your time.

Mr Jackson: If I'm going to vote on this, I should at least have the government answer the question as to what is meant.

Mr Bisson: Just ask your questions and I'll deal with them under my time allocation. That's all I'm saying.

Mr Jackson: I thought we'd established that if I ask a question under my time—are you missing the point here?

Mr Bisson: No, no.

The Chair: Mr Jackson, he's saying that this will not come off your time.

Mr Jackson: Mr Chair, please get into the game here, will you? I said it's my time. I'm asking questions of the government and I'd like answers. He's wasting my time, in effect.

The Chair: He's about to answer the question.

Mr Bisson: Mr Hope wants to answer the question.

Mr Jackson: Please.

Mr Hope: I'll respond to that. Through the public consultation, when you deal with flexible models, it's not an issue of profit versus non-profit. There is child care that deals with resource centres, there's at-home care, there's the centre care that people are talking about. Flexible models are not necessarily institutional settings; they're a number of community initiatives that people want to see provide flexible models to meet their needs. It's not an issue of profit versus non-profit.

Mr Jackson: But nowhere in the report do you say that. You simply say "parental choice" and then "non-profit programs." That's why I raise the question. How are we supposed to interpret that? How can we strengthen that recommendation? Can I move an amendment that would indicate "diversity in options for parents, such as," and then we can list what you just said?

Mr Hope: What you're doing is trying to encompass private versus non-profit.

Mr Jackson: No. Don't impugn motive, Mr Hope. I'm simply asking—

Mr Bisson: No, no, that's not what he's saying.

Mr Hope: I'm asking for a point of clarification. Now, if you want to get huffy about it—

Mr Jackson: If I hadn't asked it, the report would be silent on it.

I support recommendations 1 and 2 in your report. I think there's nothing wrong with it. I think they're good recommendations. I'm asking in 6, who's going to argue? I'm sure the Liberals will not want to vote against recommendation 6, which says, "To continue public consultations to get input into flexible models..." Nowhere in the report do you tell me what you mean by "flexible models." I've asked you, what are flexible models and how can we strengthen a recommendation? I guess I should have been more accurate and said, "Could you please say it clearly?"

Mr Hope: Okay. What basically we can do is this: What we are talking about in regard to flexible models, for an example, is providing service for people who have overnight stays, with regard to people that are working shift work, various types of models within the non-profit sector that would be able to address the needs of the population.

What you're wanting us to do is to list them in. There's no problem; we can table—

Mr Jackson: As an example, that's all, because—

Mr Hope: Yes. Overnight care, as an example, we would be prepared to add that on to it. Emergency respite care, for an example, shift worker care etc, you can add that on and we'd be agreeable, no problem.

Mr Jackson: In my time then, can I move an amendment to—

The Chair: Certainly.

Mr Bisson: Yes, we'd be agreeable.

Mr Jackson: Can we work on this? I have no difficulty with using my time in order to strengthen this, but I'd rather make it clear because I have some concerns about home day care. The report is silent on it everywhere. If that's what is meant here then we should say that—at least give us that opportunity, or I'd be prepared to strengthen it in the body of the report.

Mr Bisson: We're agreeable.

The Chair: If you want to move an amendment at any time.

Mr Jackson: Mr Hope used the word—what were the examples you used? Home day care?

Mr Hope: You're looking at people who are providing home day care, you're looking at resource centres, and you're looking—

Mr Jackson: Which ones? Like in schools?

Mr Hope: The resource centres, there are a variety of different flavours in communities, and you're looking at the non-profit centres.

Mr Jackson: Home day care is not necessarily private. Do you wish to suggest that it's only—

Mr Hope: These are flexible models that the communities are looking to through the public consultation. The direction of the government still hasn't been established because there's a reform document out there.

Mr Jackson: Okay. Then I would move an amendment that in recommendation 6, "encourage diversity in options for parents, such as home day care and child resource centres."

The Chair: Could I get a copy of that, Mr Jackson, or do we get it—I don't think the clerk's got it down, is the only problem.

Mr Bisson: Licensed home day care, you would add on that?

Mr Drummond White (Durham Centre): Licensed home day care?

Mr Bisson: Licensed home day care. Any other models for overnight care, as I had said? Emergency respite care, shift worker care. We'd be agreeable.

The Chair: Mr Jackson moves that recommendation 6 of the report be amended to read, "to continue the public consultations to get input into flexible models to encourage diversity in options for parents, such as licensed home day care, overnight day care and child resource centres."

Mr Jackson: Can I have 20 minutes to collect my members for this recorded vote, please?

The Chair: It says that I will take every question necessary to dispose of any item and matter at the end.

Mr Jackson: I'm amending this during my time. Do you mean I'm not able to amend my own amendment? I believe I have the right to do that.

The Chair: You wish to vote on it right at this moment, is that what you're telling me?

Mr Jackson: I wish to vote on it right now and I want to get my caucus, and that is my right because it's not the main motion; it's an amendment to the motion which is on the floor.

The Chair: Fine. Mr Jackson has requested 20 minutes.

The committee recessed at 1724.

1744

The Chair: A recorded vote will be taken on Mr Jackson's amendment. All in favour of Mr Jackson's amendment will so signify.

Ms Poole: Mr Chair, could I please have the amendment read?

The Chair: Could you read the-

Clerk of the Committee: Yes. Mr Jackson moves that new words be added to recommendation 6 after the word "parents," and it will read as follows:

"To continue the public consultations to get input into flexible models to encourage diversity in options for parents," and the new words are, "licensed home day care, overnight day care and child resource centres."

The Chair: All in favour?

Mr Bisson: I just want to be clear. You're referring, when you say "licensed," to all of them, right? It's not just licensed home day care; it's licensed home day care and the other ones that you mentioned. Just to be very clear.

Mr Jackson: You mean "licensed resource centres."

Mr Bisson: Yes.

Mr Jackson: No, I didn't imply that.

Clerk of the Committee: No, those are not the words.

Mr Jackson: No. It's "licensed home care."

Clerk of the Committee: You want to add the word "licensed"?

The Chair: Wait a minute; we have a motion on the floor that has to be voted on.

Mr Jackson: It's been clarified that I only meant "licensed home care," which was Mr Marchese's suggestion, and I agree, but the others I don't think need the word "licensed."

Clerk of the Committee: It does not have "licensed."

The Chair: It doesn't say "licensed."

Mr Jackson: Thank you. That's the way I wish it to stand.

Clerk of the Committee: "Licensed home day care, overnight day care and child resource centres." Those are the words here.

The Chair: All in favour? Call the names; it's a recorded vote.

Mr White: I'm sorry, Mr Chair. I have some real confusion about what we're dealing with.

Mr Bisson: I would support the motion but it should be on the other ones. They should be referred to as "licensed." I just wanted to make that clear and that's why I'm voting against it.

The Chair: We're trying to take a vote here.

Mr Bisson: Yes. I'm voting against it.

The Chair: We can't change the wording now. We have a vote.

Opposed?

You have to vote.

Mr White: Dianne, you have to vote.

Ms Poole: Mr Chair— The Chair: Vote.

Ms Poole: On a point of order?

The Chair: No, vote.

The committee divided on Mr Jackson's motion, which was agreed to on the following vote:

Ayes-5

Arnott, Harrington, Hope, Jackson, Marchese.

Nays-4

Bisson, Mammoliti, Poole, White.

Mr Jackson: I would like to table another recommendation. In recommendation 3, in which the government addresses the issue of continuing "to negotiate the conversion policy and include employment impact of centre closings as one of the criteria for determining priority of funding," I'd like to add, "and further, that the seniority rights of displaced day care workers be acknowledged and upheld when re-employment opportunities in non-profit day care centres presents itself." I have another recommendation in number 1, if my time will allow me.

Interjections.

Mr Marchese: One at a time, Mr Chair, and if you could make page references again to the motion.

Mr Jackson: Government recommendation 3, to insert after the first paragraph of the recommendation, "and further, that the seniority rights of displaced day care workers be acknowledged and upheld when re-employment opportunities in non-profit day care centres presents itself."

Since I don't wish to debate them, I'll just put them on the record in the interests of time. In recommendation 1—and I will give this to the clerk—I would like to add, "and that parents be given increased and improved access to these hearings and consultations."

Mr Bisson: Excuse me, I didn't catch that.

The Chair: The clerk will read them. Mr Jackson, you have the option of having these voted on at the expiration of the time or we can do it now.

Mr Jackson: No, I'm prepared to proceed immediately with those votes. I'm just trying to, in the best interests of time, present these. I have others, but I'm going to run out of time.

Clerk of the Committee: Moved by Mr Jackson that a new section be placed after the words "priority of funding," that will read, "and further, that the seniority rights of displaced day care workers be acknowledged and upheld when re-employment opportunities in non-profit day care centres presents itself." Am I correct? Then it will also further read—

Mr Jackson: We'll do one vote at a time, if I may, Mr Chair, and I'd like a recorded vote on that. Call the question.

Mr Bisson: Okay, we're voting on recommendation 3.
Mr Jackson: I wanted to do this in subcommittee, but I wasn't given a chance.

1750

Mr Bisson: Is there any debate on the motion?

The Chair: Well, it would be on your time if there is.

Mr Jackson: It would be on your time.

Mr Bisson: Okay, just to take two minutes while we explain in regard to—

Mr Hope: Vote.

The Chair: All right. I guess I go to vote.

Mr Hope: I would like a clarification of this motion.

Mr Bisson: No. You're into our time.

Mr Jackson: We've established this one, Randy.

Mr Hope: I didn't establish this one.

Mr Jackson: No, the Chair ruled. If you want to challenge the Chair's ruling, challenge the Chair's ruling.

Mr Hope: I didn't hear a ruling.

Mr Jackson: Then check with your table.

Mr Bisson: Just for a point of clarification, because on your motion 3, I understand what Mr Jackson is doing and it is very commendable. The difficulty with that is that it's going to be up to the working group in regard to how the conversion model will work. That question will be dealt with at that point, but there is also the question that that will be up to the individual boards of directors how they deal with the collective agreement. We can't impose on new boards what the collective agreement will end up saying, so we'll be voting against it.

Ms Poole: Mr Chair— The Chair: On your time.

Ms Poole: —I would like to take a minute of my time just asking Mr Jackson if he would be agreeable to expanding "seniority rights" to include "security of tenure and benefits" or if he would prefer to keep it in its current form.

Mr Jackson: I think that's a very helpful amendment, Mr Chair.

The Chair: Is that an amendment that you accept? Mr Jackson: Yes. It's helpful, and thank you.

The Chair: Ms Poole moves to add the words "security of tenure and benefits" to "seniority rights" in Mr Jackson's amendment. Agreed?

The committee divided on Mr Jackson's motion, which was negatived on the following vote:

Ayes-3

Arnott, Jackson, Poole.

Nays-6

Bisson, Harrington, Hope, Mammoliti, Marchese, White.

Clerk of the Committee: We have an amendment to recommendation 1, and it reads:

"To continue the process of public consultations about child care reform." The new words added are: "and that parents be given increased and improved access to these hearings and consultations."

The Chair: Mr Jackson, may I put that question at the end or on your time?

Mr Jackson: No, a recorded vote.

Mr Bisson: On my time.

The Chair: A recorded vote on your time, Mr Bisson.

Mr Bisson: Just a point on that: I understand again what the motion is about. You should be clear, though, that the public consultations are scheduled to end on June 24 and that the ministry is still prepared to receive documentation from the people, but we can't extend the consultation process at that point so we'll be voting against it.

Ms Poole: Mr Chairman, I would just like to point out to the government members that their recommendation says, "To continue the process of public consultations about child care reform," so you're already assuming from your own recommendation that it will continue, and therefore Mr Jackson's suggestion is quite—

Mr Bisson: Just to bring back the motion that was made. Maybe I misunderstood. Try it again.

Clerk of the Committee: The recommendation in your paper reads: "To continue the process of public consultations about child care reform." The new words will be, "and that parents be given increased and improved access to these hearings and consultations."

Mr Hope: A couple of the issues that I'm having a hard time understanding with the amendment that's put forward—yes, we believe in public consultation, which we have. We've done a number of public consultations throughout this province. We've done round table discussions with it. We've also had the Parents' Newspaper that is out there. There will be opportunity as its progress continues to allow more parents in all sectors to participate as when the report is done from the public hearings it will be circulated in all Ministry of Community and Social Services offices.

I don't know how much more improvement we can give to the parents than what we have already currently established. I don't know how much further we can go. We've reached into the homes of the parents. We went to the schools and we made sure that the Parents' Newspaper was in their hands. We've made sure that the public consultations that have been held throughout this province

have given opportunity for parents to participate in the program and making sure that their personal views and what they see in formulating a reform or formulating the conversion is all part of it.

When we talk about the public consultation that has been offered, if we start segregating each other and putting parents as a priority, I think what we have to do is ask the community in itself to be more involved in this whole public consultation. I think it would be most appropriate that through the public consultation, which will be the will of the government, we make sure that we bring all of the community in, because whether you have children or not, it is important for your community to be actively involved in the future of those children. Just to exclude one segment of it I have a hard time with, but I think it's important that if Mr Jackson was to say that the community as a whole be a part of the public consultations, I could start to understand that a little clearer. I don't want to start diverting parents because it's the role of the whole community. whether you have children or not or whether you're part of the education system, to be part of the consultations.

Ms Poole: The reason why I am supporting Mr Jackson's amendment is that there have not been sufficient opportunities for parents to respond. Mr Hope mentioned the Parents' Newspaper. The Parents' Newspaper was published in English and French and 13 other languages. The two-page survey that was enclosed, which gave parents an opportunity to respond back to the government, was only printed in English and French, and not in the remaining 13

languages. So parents who received the main report in their own language but who could not respond to the government because the survey was in English or French are quite upset and feel that they have not had sufficient opportunity. So I think this is an excellent motion, which we should be supporting. It will also give parents an opportunity to express their views on the conversion policy and how they would like to see it changed or implemented.

The committee divided on Mr Jackson's motion, which was negatived on the following vote:

Aves-3

Arnott, Jackson, Poole.

Nays-6

Bisson, Harrington, Hope, Mammoliti, Marchese, White.

Mr Jackson: I have other amendments so I'll yield till I can be recognized in another rotation with what limited time I have left.

Mr Bisson: Can I ask the amount of time left for each caucus at this point?

The Chair: May I suggest, given the hour, we recess? I have about eight minutes left for the New Democratic caucus, seven minutes for the Liberal caucus and, to be precise, about 35 seconds for the Conservative caucus.

The committee is adjourned until 10 o'clock next Thursday morning.

The committee adjourned at 1758.



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- *Chair / Président: Brown, Michael A. (Algoma-Manitoulin L)
- Vice-Chair / Vice-Président: McClelland, Carman (Brampton North/-Nord L)
- *Arnott, Ted (Wellington PC)
 Ferguson, Will, (Kitchener ND)
 Fletcher, Derek (Guelph ND)
- *Harrington, Margaret H. (Niagara Falls ND)
- *Hope, Randy R. (Chatham-Kent ND)
- *Mammoliti, George (Yorkview ND)
- *Marchese, Rosario (Fort York ND) Murdoch, Bill (Grey PC)
- *Poole, Dianne (Eglinton L)
- *Sola, John (Mississauga East/-Est L)

Substitutions / Membres remplaçants:

- *Bisson, Gilles (Cochrane South/-Sud ND) for Mr Fletcher
- *Jackson, Cameron (Burlington South/-Sud PC) for Mr Murdoch
- *Mahoney, Steven W. (Mississauga West/-Ouest L) for Mr McClelland White, Drummond (Durham Centre ND) for Mr Ferguson
- *In attendance / présents

Clerk pro tem / Greffier par intérim: Carrozza, Franco

Staff / Personnel: Luski, Lorraine, research officer, Legislative Research Service

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Standing committee on general government

Child care

Assemblée législative de l'Ontario

Deuxième session, 35º législature

Journal des débats (Hansard)

Jeudi 18 juin 1992

Comité permanent des affaires gouvernementales

Garde d'enfants



Chair: Michael A. Brown Clerk: Deborah Deller Président : Michael A. Brown Greffière : Deborah Deller

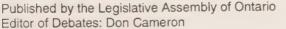






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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday 18 June 1992

The committee met at 1055 in room 228.

CHILD CARE

Consideration of the designated matter pursuant to standing order 123, relating to child care.

The Acting Chair (Mr David Ramsay): I'd like to bring the committee meeting to order. Just before we start, I'd like to say to you that the time allocation remaining to all parties goes like this: the Tories 35 seconds, the Liberal Party eight minutes, and the NDP, the government party, seven minutes. I'd like to turn the floor over to the government party for its seven minutes.

Mr Gilles Bisson (Cochrane South): On a point of order, Mr Chair: I thought we were still on the Conservatives when we last adjourned the rotation.

The Acting Chair: I have spoken to Mr Jackson and he said he would take his 35 seconds at the end, but I will defer to the clerk to ask if the rotation matters.

Mr Cameron Jackson (Burlington South): The record shows that I yielded the floor. I only had one rotation and I took the bulk of my time. But you, sir, kept insisting on a rotation of the time, so I have 35 seconds left.

Mr Bisson: Excuse me, my question is to the Chair, not to the other side. When we last adjourned the committee, who had the floor?

The Acting Speaker: I'll have to ask the clerk.

Clerk of the Committee (Ms Deborah Deller): When we left we'd just completed a vote.

Ms Dianne Poole (Eglinton): Mr Chair, I move that we recess for five minutes and resume in five minutes until we can iron this out, because the committee time is—

The Acting Chair: Just give me a second.

Interjections.

The Acting Chair: I'd like to have order, please. To answer Mr Bisson's question, I'm asking the clerk who the last speaker was.

Clerk of the Committee: In fact, according to the minutes, the last entry of the last meeting was a vote and then an adjournment.

The Acting Chair: So we're starting a new rotation is what you're telling me. All right. The custom then would be that we would go to the government party for its seven minutes remaining.

Mr Bisson: I do believe there were a couple of our members who had a few points they wanted to make. No? All right. Here we go.

I just want to point out a couple of points in regard to where we're at right now. There are a number of points that were made within the public hearings we had on this 123, as well as some of the discussion we got after when

writing our report and also in subcommittee. I just want to clarify a couple of points.

One of the points there seems to be some confusion on is the whole question of what happens to existing spaces that are currently within a municipality within the private sector day care or within the non-profit. I just want to make it clear, because we've had the discussion that if, for example, you are in community X, there are 100 subsidized spaces within that community of which 75 are within the private sector and 25 are within the non-profit, there are people who came forward and said that as people leave the private-sector day care those subsidized spaces would be lost. I just want to clarify: That's not what the intent is in regard to what's happening here.

The policy is that if any new spaces are to be created, they will be created in the non-profit sector, and those spaces within the private sector do remain. If the private sector decides to convert, those spots will be converted over to the non-profit sector. Or if they decide to shut down, those spots would then be absorbed into the non-profit sector.

I raise that point because the point has to be made in regard to the original motion that was made in the 123. There is some concern in regard to what happens to the question of choice of the parents. We're saying in the recommendations that the parents still do have the choice. Within the 75 private-sector spots, what would end up happening if 10 children were to leave this year and go on to the public school system and no longer needed child care services—that means there are 10 spots open—is the parent still has the right to choose in most cases where that child should go. If the spots are filled, what ends up happening in that case is they have to go wherever the spots happen to be open. In that case, it would be the non-profit. So the question of the right to choose by the parents is still within the decision of the parent based on where the spots are available.

The second point I would like to raise is in regard to the question of conversion. There was a lot of debate within the public hearings where people came forward, especially people from private-sector day care, who were concerned in regard to how the conversion program was going to work.

I would like to report to the committee and put it on the record that we have been working very diligently with the committee that is set up in order to take a look at the question of conversion. On the question of conversion, the committee is to take a look at trying to find a plan that will make it as fair as possible for all parties. We as a government obviously don't want to pay more than it's worth. We want to pay a fair market value and the people in the private sector would like to get as much money as they want. So the scenario is that you're always in negotiations, and of course the private sector wants more and we as the

buyers are making sure we spend the taxpayers' dollars very judiciously in the sense that we don't pay more than they're worth.

On the conversion working group, there was a meeting as late as June 15 of this week where there were a number of questions with regard to the conversion plans that are starting to move along, and a number of questions have actually been addressed. There are some fairly serious concerns on both sides. I want to indicate to the committee and to the public that there is a lot of work happening there and things are starting to move along quite nicely. Where that's going to end up at the end, I can't say at this point, because you have to allow the committee to go through its course and deal with all the various issues that are affected within conversion. But I just want to signal that some of the concerns that were expressed here at the committee meetings are now starting to be addressed by this working group, and I think it's a credit to the working group coming together and trying to tackle these issues, quite frankly, in a good, open discussion. The process is starting to work; it's showing that parties are able to come together and to come to some conclusion on how to make this as fair as possible.

The Acting Chair (Mrs Yvonne O'Neill): Mr Bisson, you said you wanted that for the record. May we on this committee assume that two things have been clarified? When the minister was before us, there were certainly a lot of things that needed to be clarified. Are you suggesting that there is now going to be a change in what's paid for—that is, it's not going to be just toys and equipment, but that you're looking towards a fairer market value? You said that?

Mr Bisson: Well, hang on. No, no. What I'm saying is that—

The Acting Chair: You just made that statement. I just wanted to clarify that.

Mr Bisson: No, no, I did not. First of all, how much time do I have left? I want to make sure I have enough time here.

Clerk of the Committee: You've used four minutes.

Mr Bisson: Four minutes, okay. Let me just finish what I have to say. What I'm trying to tell you is that there are a number of questions that were raised at the committee hearings. The government, along with this conversion working group that's here together, is working in order to try to find some solutions to some of the very difficult questions facing all of the people, and what we're saying at this point is that the discussions are progressing very well. We've been able to—

The Acting Chair: You've said that—

Mr Bisson: We've been able to settle some of this—it's my time. We've been able to settle—

The Acting Chair: I know, but I asked you a very specific question and all I'm trying to do is clarify the record of this committee.

Mr Bisson: Excuse me. The Chair—this is my time and there are three points that I'd like to go through. It's eating into my time to be able to make the points.

The Acting Chair: Okay.

Mr Bisson: I've made my point on the conversion. Now, with all of that, I've lost my spot in my mind where I was going with the third point. At this point I will concede the floor and come back afterwards. I'll give the floor to the Liberals at this point.

The Acting Chair: Excuse me, then, Mr Bisson. You do not feel that you can answer the question that I've asked for clarification for the record of this committee?

Interjections.

Mr Stephen Owens (Scarborough Centre): That's an abuse by the Chair.

Mr Jackson: Shut up, Steve.

The Acting Chair: Really, I'm trying to clarify the record of this committee.

Interjections.

Mr Bisson: The Chair, we will concede—

Mr Jackson: You're accusing the Chair of abuse. That is a serious charge.

Mr George Mammoliti (Yorkview): Your language is abusive. You shouldn't be talking that way.

Interjections.

The Acting Chair: I'm sorry; I don't think this is necessary. I've asked a very direct question because these are very key matters. I think Mr Bisson was trying to help us and I want to clarify for our record.

Mr Bisson: I'm trying to help. I will concede the floor at this point because I know Ms Poole has some amendments that she wants to put forward. I will come back and explain in a little bit more detail on my time a little bit later. Next.

The Acting Chair: All right, thank you. Ms Poole, Mr Bisson is going to—

Interjections.

The Acting Chair: I find that we don't need any of these sidelines. Ms Poole has the floor. Thank you.

Ms Poole: I would just ask if the Clerk could let me know when I have two minutes left in my time.

Madam Chair, before the start of the proceedings today I talked to representatives from both the NDP and the Conservative caucuses as to whether they would be willing to agree to an amendment to the major part of the report prepared by legislative research. That is on page 3 where it discusses the DOGs, the direct operating grants. This section doesn't make it clear that the province is indeed paying 100-cent dollars for the DOGs, but in fact it is because of the federal government's Canada assistance plan rules and the fact that the federal government does not pay its 50% that the private child care operators do not receive the full direct operating grant.

I believe I have unanimous consent to amend the report to state on page 3: "Non-profit operators receive the full DOG. Private operators established as of December 1987 only receive the provincial portion of the DOG (50%) because under the Canada assistance plan the federal government does not contribute to private child care." That would be substituted in the second paragraph beginning "Direct operating grants" on the fourth line.

The Acting Chair: Do we have unanimous consent? Is Ms Poole's assumption correct?

Mr Jackson: Agreed.

The Acting Chair: All right, agreed.

Ms Poole: Second, I would like to read some recommendations into the record and then have them voted on at the end of the expiration of time and to have that vote taken separately. Again, I understand all caucuses have agreed to this.

"1. Given the fact that impact studies were not conducted prior to the policy announcement of December 2, 1991, the government should reconsider its conversion policy. The impact on women, children and small business must be given more thought.

"2. Those dollars that are being spent on conversion should be spent on fee subsidies and wage enhancements for all child care workers.

"3. Parents should have the option of choosing child care that best meets their children's needs. If parents are currently receiving subsidy, they should be able to retain the right to choose and not forfeit their right to be subsidized.

"4. If the government chooses to proceed with its conversion policy:"—and I would like these voted upon separately—

"(i) The government should include in its conversion plan guarantees of security of tenure and mobility of benefits for the private sector child care worker who remains with the new non-profit centre.

"(ii) The government should assist private sector workers whose centres do not qualify for conversion and are forced to close.

"(iii) Fair market value should be offered to the owners of private child care centres which convert to non-profit; values should be determined as of December 1991.

"(iv) The government should consider relief for municipalities which will lose many significant contributors to their tax base due to the conversion policy.

"(v) New fee subsidies should be introduced immediately to deal with the accessibility crisis in the province.

"(vi) Efforts to ensure a system that is managed with strict enforcement of current legislation must continue, with consideration given to the enforcement practices review initiated by the Liberal government."

Mr Bisson: On a point of clarification, Madam Chair: Could you just re-read number 3?

Ms Poole: Number 3: "Parents should have the option of choosing child care that best meets their children's needs. If parents are currently receiving subsidy, they should be able to retain the right to choose and not forfeit their right to be subsidized."

I would leave the balance of my time for the end of the proceedings.

The Acting Chair: All right. Mr Bisson, did you want to continue?

Mr Bisson: No. It's Mr-

The Acting Chair: I'm sorry. It's very hard to jump into this chair when I know you people have been having

subcommittee meetings and all the rest of it. Mr Jackson, you would like to continue?

Mr Jackson: Sure, if it's helpful. With respect to this report, I simply want to say it is now this far along in the process, and I've recently received a copy of the child care reference committee's draft guidelines for conversion, dated June 10. The government has seen fit not to share this document with this committee, and it's apparent when reading it, Madam Chair, that this government has clearly turned its back on over 8,000 women workers in commercial day care centres. They're treating them like scab labour, and that is abundantly clear when one reads the document.

I think it will be a deeply felt wound for child care workers in this province, and I deeply regret that this committee was not treated fairly by the minister or the ministry in giving the information in order for us to complete our task. As the title of our report supposedly indicates, we're supposed to be looking at the impact of this government's policies on women workers, and according to the conversion policy it does not exist.

The Acting Chair: Your time has expired.

Mr Bisson: Can I ask how much time we have? One of our members did have a few comments to make.

The Acting Chair: I think it would be very helpful if our clerk gave us the exact time.

Clerk of the Committee: Two and a half minutes remaining.

1110

Mr Bisson: Two and a half minutes. Can we split that in half and you tell us when a minute and a half is used up by Mrs Harrington?

Ms Margaret H. Harrington (Niagara Falls): Do you want to go first?

Mr Bisson: No, go for it, Margaret.

Ms Harrington: I wish to comment on the purpose and intent of the government's direction here. The whole purpose is to move this to a basic public service. There needs to be a lot of political will to do this.

If you go back in history, what we have is a situation that has been evolving for some years here in Ontario. In 1980 the Progressive Conservative government put the provincial funds for startup for capital costs and that was only to non-profit centres. In 1987 the select committee on health said that a change in philosophy was needed. This philosophy is one which could be adapted for child care in all appropriate—sorry. The expansion of child care should be in the non-profit sector—that's what it said—and the direct grants were given both to the non-profit and to convert to non-profit status. There were incentives at that time, back in 1987.

We are in a time of transition, and what is needed right now is the political will to do this. We know it is so important to women. We have to have consultations right now. We have to have a flexible process so that those who are in the private sector are treated correctly and we do not leave empty the needs of women in certain parts of this province, such as Niagara, where we depend on private sector as well. Mr Bisson: I take it I have about a minute left. To finish up, the government side of the committee has gone through the process of sitting down, at least with the Liberal caucus, and agreeing to some of the amendments, quite frankly, that it put forward. I would like to put that on the record.

One of the criticisms raised by the Conservative caucus is that we weren't prepared to share information. I would like to point out to Mr Jackson that the question is that we didn't share the information because the stuff on the subsidies is still at the draft stages. Until the committee is able to do its work in regard to the conversion committee, it would have been premature to bring that here. We had to allow the committee to go through its process.

On the question of our treating the private sector people as scab labour, I think it was very uncalled for. What we're doing is saying—

Interjection.

Mr Bisson: I have the floor. We're saying that those who are there now will continue to get their subsidies. The question is, any new space that's created would be in the non-profit, and as long as they want to stay there, they will be there. If there is disparity within the wage subsidy given to the workers in the private sector, it started under a Conservative government in Ottawa because it had never participated in the equity adjustments that were made to wages. It was only Ontario that did so.

I take it we're out of time. Thank you very much for being very generous with the time. It was a very interesting committee.

The Acting Chair: Ms Poole, you have four minutes left of your time.

Ms Poole: I would like to make one amendment to the recommendations I offered earlier. Subsection 4(iii), where I talked about fair market value: Instead of that, I would substitute: "A compensation package which is fair and is seen to be fair by the operators and the public and which is manageable within the provincial budget should be negotiated by the government." I will give that wording to the clerk.

Mr Bisson: For the record, there is another amendment that the government agreed to with the Liberal caucus.

Mr Jackson: When are you going to share this capitulation with the Conservative Party?

Ms Poole: I meant to run it by you. Madam Chair, I just wanted to make a few comments in winding up.

The Acting Chair: I presume what you read into the record is what, as Mr Jackson was referring to, has already happened in terms of some kind of an agreement.

Ms Poole: No. There has been no agreement to it. We will have to vote on that, because I—

The Acting Chair: But there were changes to wording.

Ms Poole: Yes. We're talking about a substitution.

Mr Jackson: On a point of information: Could I just understand what we're doing here? Are we amending the Liberal Party—

The Acting Chair: Suggestions to the general report.

Mr Jackson: So what will happen is, these amendments will be lifted from the Liberal document and find their way into the government document.

Ms Poole: The major committee report.

Mr Rosario Marchese (Fort York): The recommendations that we will agree to will then become part of the committee's report.

Mr Jackson: Okay, I'm with you. I needed to understand that.

Ms Poole: I just want to make a few points. One is the problem that we don't feel in the Liberal caucus that the impact on women from the conversion policy has been addressed. The second point is that there has been a lack of adequate information.

During the hearings the Minister of Community and Social Services was unable to provide us with any impact research regarding this policy or in fact any written background information regarding the government's decision to implement it. One of the things we couldn't understand in the Liberal caucus was that there was already attrition in the private sector because of the existing policies. So why was this policy necessary?

There were a number of deficiencies in the process, such as the fact that only 50% of the private centres would be allowed to convert. Second, information was not available to the private sector as to what the conversion criteria indeed were. Apparently there is now a moratorium on it and yet the private sector is floundering out there, not knowing what they will be entitled to in the way of subsidies. Information changes daily, weekly and monthly on that.

We feel that the policy fails to address issues such as affordability, accessibility and quality, and this is very important. There are a number of other factors involved, but I really feel there should have been more time, energy and consideration paid to the impact of the policy before it was announced. Situations where the government announces a policy and yet has no information to back it up create a lot of chaos and anxiety in the sector. I urge the government in future to take that into consideration when it is introducing policies.

The Acting Chair: I understand that the next procedure is for us to vote on the recommendations we have had during the presentation of both the government's response and those that Miss Poole has suggested as amendments, but we will go to the amendments first. Is that correct?

Clerk of the Committee: Right.

The Acting Chair: We're going to do these one at a time. How long are you going to be, Miss Poole?

Ms Poole: I will be right with you, Madam Chair.

The Acting Chair: We are ready to begin our voting on what I consider a very important issue.

Mr Bisson: On a point of clarification, Mrs Chair, I just want to doublecheck something.

The Acting Chair: Mr Bisson, I don't know about the rest of the ladies in the Legislature, but I have always been designated as Madam Chair.

Mr Bisson: What did I say? I'm sorry.

The Acting Chair: Mrs, and I don't think that's appropriate.

Mr Bisson: My apologies, Madam Chair.

The Acting Chair: Thank you.

Mr Bisson: Madam Chair, on the question of the actual report that we had legislative research write—the first part without the recommendation—my understanding is we've already voted on that. We have? Okay. I see indication from the clerk.

The Acting Chair: I was not here at that point. So this is the document we have before us, which is the response.

Mr Bisson: The second question, obviously, is the amendments forwarded by Mrs Poole this morning, or Madam Poole, whatever way—sorry, I apologize again.

The Acting Chair: No, it's Mrs Poole and Madam Chair.

Mr Bisson: Okay, Madam Chair and Mrs Poole.

Interjections.

Ms Poole: Technically it's Ms Poole, but call me anything.

Mr Bisson: Just for clarification, the amendment moved by Mrs Poole has been accepted. It's now going to be part of the report.

1120

Ms Poole: I think we have unanimous consent to that.

Mr Bisson: I'm not sure if the clerk picked it up. That's why I'm wondering.

Clerk of the Committee: Sorry. You'll have to clarify for the clerk. Which amendment received unanimous consent?

Mr Bisson: That's what I thought.

Mr Jackson: Subsection 4(iii).

Ms Poole: No, none of that. Madam Chair, perhaps I could clarify. In the main body of the report, on page 3—

The Acting Chair (Mr David Ramsay): Madam Chair?

Ms Poole: Mr Chair, sorry. At least I didn't call you Mrs Chair.

On page 3 of the main body of the report prepared by legislative research, we had agreement from all three caucuses to amend it to include a statement saying that the province was indeed fulfilling 100% of its dollars to the private child care sector for the DOGs. However, it was because of the arrangement of the federal government with the Canada assistance plan and the fact that the federal government could not therefore pay moneys into the private sector that the private sector ended up with only 50% of the DOGs.

Mr Bisson: That's why I raised it. I knew it wasn't clear. If you can make sure—

Ms Poole: I will give a copy of that to Hansard and to the clerk so that we make sure this is incorporated.

Mr Bisson: Mr Chair, on the same point, just to make sure, you understand it's been unanimously agreed that we make that change. The Acting Chair: We're at the point of time now where we can have the clerk put the questions that are remaining for a vote, so I would ask the clerk then to do that.

Clerk of the Committee: The first question was a recommendation by Mrs Poole. Recommendation 1: "Given the fact that impact studies were not conducted prior to the policy announcement of December 2, 1991, the government should reconsider its conversion policy. The impact on women, children and small business must be given more thought."

Mr Jackson: A recorded vote.

The committee divided on recommendation 1, which was negatived on the following vote:

Ayes-3

Jackson, O'Neill (Ottawa-Rideau), Poole.

Nays-6

Bisson, Harrington, Hope, Marchese, Owens, Waters.

The Acting Chair: We will now consider the next recommendation.

Clerk of the Committee: Recommendation 2-

Mr Bisson: Dispense.

Mrs Yvonne O'Neill (Ottawa-Rideau): I don't think that's appropriate. When we are taking recorded votes, I don't think it's appropriate for the record.

The Acting Chair: There's no unanimous consent. I'll ask the clerk to read the recommendation.

Clerk of the Committee: Recommendation 2: "Those dollars that are being spent on conversion should be spent on fee subsidies and wage enhancements for all child care workers."

The committee divided on recommendation 2, which was negatived on the same vote.

Clerk of the Committee: Recommendation 3: "Parents should have the option of choosing child care that best meets their children's needs. If parents are currently receiving subsidy, they should be able to retain the right to choose and not forfeit their right to be subsidized."

Mr Jackson: I'd like to amend the words "are currently receiving" for "qualify for."

The Acting Chair: The clerk has informed me that, as these questions were put previously, this is really a cleaning-up voting. All we can do is place the questions currently on the table forward for vote. There's no room for amending any of these amendments.

Mr Jackson: Then why are we voting on it if it's already been dealt with?

Clerk of the Committee: The motions have already been moved. Once the time expires, the only thing the Chair can do is put all the questions remaining necessary to complete consideration. The questions he can put are only the ones that had been moved prior to the expiry of the time.

Mr Jackson: My concern here is that I did not have any time that I was allocated in order to make my amendments, and therefore, without getting clarification from the clerk or either of the chairs this morning, I was led to believe I would be able to make my amendments at the time the vote was taken. You must appreciate that I had no time remaining, and therefore I was barred from participating in the amending of any motion that finally finds its place for a vote at this time.

The Chair may not be aware, but the clerk is keenly aware of the fact that this was my major concern expressed up front: because of the way the time allocation was imposed on the amending process, I was unable to participate in the final outcome of the report. Now I'm being told that this catch-22 falls upon me.

The Acting Chair: Mr Jackson, it's my understanding that all three political parties had equal time to present their cases.

Mr Jackson: My time had expired when Mrs Poole was still bringing forward recommendations. That's my point. The Chair did not protect my rights and neither did the clerk inform me that this is the manner in which this decision would fall upon me.

Mr Bisson: Mr Chairman, the standing orders are quite clear.

The Acting Chair: Mr Jackson, I have great sympathy for your arguments. Unfortunately the standing orders and the rules of committee procedure do not allow you to make amendments now that the questions have been put.

Mr Jackson: The standing orders were abused when I was not given sufficient time in order to put my amendments.

The Acting Chair: Every party had equal time, and we must proceed with putting the questions.

Mr Bisson: I think there have been enough examples of abuse of the standing orders over the last week, so I don't need to listen to that.

The Acting Chair: Let's not get into that. Let's go back to the questions, please.

Interjections.

The Acting Chair: Order, please. Question 3 has been read. All those in favour?

The committee divided on recommendation 3, which was agreed to on the following vote:

Aves-9

Bisson, Harrington, Hope, Jackson, Marchese, Poole, O'Neill (Ottawa-Rideau), Owens, Waters.

Nays-0

The Acting Chair: The clerk will put question 4.

Clerk of the Committee: Mrs Poole recommends that, "4. If the government chooses to proceed with its conversion policy:"—it's my understanding there's agreement that these would be voted on individually?

Interjection: Yes.

Clerk of the Committee: "(i) The government should include in its conversion plan guarantees of security of tenure and mobility of benefits for the private sector child care workers who remain with the new non-profit centres."

The Acting Chair: We have unanimous consent, then, for additional wording. All in favour of the first part of question 4, 4(i)?

The committee divided on recommendation 4(i), which was agreed to on the same vote.

Clerk of the Committee: 4(ii): "The government should assist private sector workers whose centres do not qualify for conversion and are forced to close."

1130

Mr Jackson: I'm sorry. Before I vote, could I have that explained to me? What was on record was that a deal was made between the Liberals and the NDP, but it wasn't explained what is meant by "the government should assist private sector workers." What does "assist" mean?

Either the government can tell us what it convinced the Liberals to do or what the Liberals convinced the NDP to do here. I'd like to, at least for the public record, understand this before I vote on it, because it was not discussed in committee.

The Acting Chair: Is there unanimous agreement for a-

Mr Bisson: No.

The Acting Chair: Then I'm sorry, Mr Jackson, we're in the middle of the vote. I have to call the question. The question has been put.

The committee divided on recommendation 4(ii), which was agreed to on the following vote:

Ayes-9

Bisson, Harrington, Hope, Jackson, Marchese, O'Neill (Ottawa-Rideau), Owens, Poole, Waters.

Nays-0

Clerk of the Committee: Recommendation 4(iii): "A compensation package which is fair and is seen to be fair by the operators and the public and which is manageable within the provincial budget should be negotiated by the government."

The committee divided on recommendation 4(iii), which was agreed to on the same vote.

Clerk of the Committee: Recommendation 4(iv): "The government should consider relief for municipalities which will lose many significant contributors to their tax base due to the conversion policy."

The committee divided on recommendation 4(iv), which was negatived on the following vote:

Ayes-3

Jackson, O'Neill (Ottawa-Rideau), Poole.

Nays-6

Bisson, Harrington, Hope, Marchese, Owens, Waters.

Clerk of the Committee: Recommendation 4(v): "New fee subsidies should be introduced immediately to deal with the accessibility crisis in the province."

The committee divided on recommendation 4(v), which was negatived on the same vote.

Clerk of the Committee: Recommendation 4(vi): "Efforts to ensure a system that is managed with strict enforcement of current legislation must continue, with consideration given to the enforcement practices review initiated by the Liberal government."

The committee divided on recommendation 4(vi), which was negatived on the same vote.

Mr Bisson: Am I to understand "same vote" as meaning it's defeated?

The Acting Chair: It's lost. The last two are lost.

Mr Bisson: Mr Chair, just to make sure what the score on this was: Recommendations 1 and 2 were defeated, recommendation 3 was accepted, 4(ii) was accepted, 4(iii) was accepted, 4(iii) was accepted, and (iv), (v) and (vi) were defeated.

The Acting Chair: That's correct. That corresponds with the clerk's record.

We now come to consideration of the recommendations portion of the report before us, as amended.

Mr Bisson: Just a point of clarification: We're voting now on the recommendations we put forward as a government?

The Acting Chair: As majority members in the committee.

Mr Marchese: As amended.

Mr Jackson: A recorded vote.

Mrs O'Neill: We don't have any time for any information?

The Acting Chair: No, I'm afraid not. The time has expired.

The committee divided on the recommendations portion of the report, as amended, which was agreed to on the following vote:

Ayes-8

Bisson, Harrington, Hope, Marchese, O'Neill (Ottawa-Rideau), Owens, Poole, Waters.

Nays-1

Jackson.

The Acting Chair: Our final matter of business here would be to vote on the title of the report.

Ms Poole: We only voted on the recommendations, didn't we?

The Acting Chair: The package of recommendations. Clerk of the Committee: As amended.

Ms Poole: As a point of clarification, Mr Chair, two points of clarification—

Mrs O'Neill: I asked for that and I couldn't get it.

Ms Poole: First of all, what the government has substituted, I would assume, begins where it says "Current Government Policy" and not "Government Response."

The Acting Chair: That's correct. That does not show in the report.

Ms Poole: The second point of clarification: The steering committee had agreed that the majority report

would remove the words "for profit" and substitute the words "private sector" child care throughout the report, so I assume that would also stand for this section.

The Acting Chair: I believe that was part of the amendments.

Ms Poole: Good. Thank you.

The Acting Chair: I will put the question as to the title of the report: "Report on the Impact on Women of the Government's Conversion Policy relating to Child Care." All in favour?

Mr Jackson: On a point of order, Mr Chair: I do not believe that's the original draft that I've seen that was submitted by the clerk.

Mrs O'Neill: Would you read it again, please?

The Acting Chair: "Report on the Impact on Women of the Government's Conversion Policy relating to Child Care."

Mr Jackson: That is not the copy that was tabled with me. I'd like to have it explained who changed that.

The Acting Chair: The Chair and the clerk need agreement as to what the title is to be. A group of committee members had met earlier to come up with this particular title. The title can be whatever the committee wants it to be.

Mr Jackson: Mr Chair, read the original title as submitted by the clerk.

The Acting Chair: "Report on the Impact on Women of Public Funding of Private Child Care."

Mr Jackson: I would like to move that, Mr Chairman.

The Acting Chair: All right. I'll put the question. It has been moved by Mr Jackson that the title be "Report on the Impact on Women of Public Funding of Private Child Care." All in favour?

Mr Jackson: Recorded vote.

The committee divided on Mr Jackson's motion, which was negatived on the following vote:

Ayes-1

Jackson.

Nays-8

Bisson, Harrington, Hope, Marchese, O'Neill (Ottawa-Rideau), Owens, Poole, Waters

The Acting Chair: I will put the other title for your consideration: "Report on the Impact on Women of the Government's Conversion Policy relating to Child Care." Those in favour?

Mr Owens: Recorded vote.

The committee divided on the question, which was agreed to on the following vote:

Ayes-8

Bisson, Harrington, Hope, Marchese, O'Neill (Ottawa-Rideau), Owens, Poole, Waters.

Nays-1

Jackson.

Mrs O'Neill: Since you gave a point of clarification to my colleague, I'd like to ask a question. This was from

the government paper and it's confusing to me, and I think I have to right to know if the confusion still exists in the final report. It says, "The consultation began in April and will end in June 1992." The first recommendation is: "To continue the process of public consultations." Does that mean that is an extension after June 1992, or does it mean this will include and be concluded in June 1992?

The Acting Chair: Maybe Mr Bisson can help us now.

Mr Bisson: I move adjournment of the committee.

Interjections.

The Acting Chair: The time has expired.

Ms Poole: We didn't vote on the report.

Mr Jackson: The motion to adjourn is not debatable.

The Acting Chair: The motion is on the floor to adjourn the committee. Those in favour?

Mrs O'Neill: It's impossible to get a direct answer in this committee.

Interjections.

The Acting Chair: Do you want to have this question? Okay, Mr Bisson, could you answer?

Mr Bisson: I'll answer the committee. Listen, I would-

Interjections.

Mr Bisson: Just vote against me.

Mr Jackson: This is a recorded vote. I believe the Chair has a responsibility, when calling a vote, to record in Hansard what the hell the result was.

The Acting Chair: Mr Jackson, I accept your proposal. We will have a vote on the motion that's on the floor right now, put forward by Mr Bisson, for the committee to be adjourned.

Ms Poole: Mr Chair, how could we have voted on this entire report?

The Acting Chair: Just wait. We have a motion on the floor. I feel there's some cooperation here. Let's just call the question.

Those in favour of adjourning the committee? All right. Opposed to that? All right. The committee's still in session. Thank you very much. Motion defeated.

We will carry on. Now, Mr Bisson, would you be able to shed some light on the question posed by Mrs O'Neill?

Mr Bisson: Yes, Mr Chair. First of all, I would like to apologize to Mrs O'Neill. Madam O'Neill? Mrs O'Neill?

Mrs O'Neill: Mrs O'Neill when I'm sitting here.

Mr Bisson: Mrs in this case, sorry—to Mrs O'Neill on that. As you can well understand, it's been quite a frustrating time around here for the last week, and I read which way you were going with that a little bit differently, so I apologize. What we're saying is that the consultations on that are to be ended by June 1992; that's what we're saying.

Mrs O'Neill: So the extension, or to continue, means you're still hoping to reach the deadline of June?

Mr Bisson: Yes. Mr Hope can answer more clearly.

Mr Randy R. Hope (Chatham-Kent): There have been a number of public consultations, as you're well aware, with round tables and groups. That public consultation is coming to an end. After the public consultation, there will be a draft paper that will go into all area MCSS offices of what we heard through the public consultation process.

After that paper, we will still be receiving views on the whole global aspect so that every community from one end of the province to the other can understand what's been shared. It will be the government's intention to continue to consult and to listen for public input through the process we continue to go through, because there will be a number of recommendations that were expressed by communities. We need to continue to work on a major reform for the province.

Mr Bisson: Mr Chair, just a point of clarification. At this point, the whole of the committee report has been adopted and the business of the committee is now ended?

The Acting Chair: That's correct.

Mr Jackson: No. There's one more motion, to report it to the House, Mr Chair, if that's helpful.

Mr Bisson: I would put the motion, Mr Chair, that we report the committee to the House.

The Acting Chair: Just hold on for a second. I'll get clarification from the clerk.

Mr Bisson: Mr Chair, I'd put a motion, before we forget, that we report the report, as amended, to the House.

The Acting Chair: I'm just going to make a clarification so everybody understands where we are. There seems to be a bit of confusion. I will call this question, that the body of the draft report as agreed to previously and the recommendations that have been approved today become the report of this committee and that the report be tabled by the Chair of the committee to the House.

Mr Jackson: Clarification: That will include the minority reports as submitted.

Clerk of the Committee: Dissenting opinions can be filed with me to be attached to the report, yes.

Mr Marchese: "With me" meaning now or before it gets to the House.

The Acting Chair: All right. So that motion is on the floor then.

The committee divided on Mr Bisson's motion, which was agreed to on the following vote:

Ayes-7

Bisson, Harrington, Hope, Jackson, Marchese, Owens, Waters.

Nays-2

O'Neill (Ottawa-Rideau), Poole.

Mr Bisson: I move to adjourn the committee.

The Acting Chair: All in favour of adjournment? The committee is adjourned.

The committee adjourned at 1145.



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In attendance / présents
Clerk: / Greffière: Deller, Deborah

Staff / Personnel: Luski, Lorraine, research officer, Legislative Research Service

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Subcommittee report Budget

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Rapport de sous-comité Budget



Président : Michael A. Brown Greffier : Franco Carrozza

Chair: Michael A. Brown Clerk: Franco Carrozza

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday 26 November 1992

The committee met at 1017 in committee room 2.

SUBCOMMITTEE REPORT

The Chair (Mr Michael A. Brown): The standing committee will come to order. The first order of business would be the adoption of the subcommittee report. I believe all members have the subcommittee report in front of you. We had a meeting a few days ago. I think this is acceptable to the members of the subcommittee. Questions or comments?

Mr Rosario Marchese (Fort York): I would recommend, if it's all right with the other members, that we advertise in the first week of January and that we meet in the third week of January for four days.

Clerk of the Committee (Mr Franco Carrozza): The dates would be January 5, 6, 7 and 8.

Mr Marchese: To do the ad in that week, the first week, and that we meet in the third week of January.

Clerk of the Committee: That would be the 19th. The problem that could happen here is that might not be enough time for the people to make calls in. That is the only one.

Mr Marchese: All right. What about the week after that?

Clerk of the Committee: That would be the 26th, 27th, 28th and 29th.

Mr Marchese: Then I would recommend that amendment to the subcommittee report.

The Chair: Further discussion on Mr Marchese's suggestion? I would just remind members that the House leaders actually will be determining the exact dates and all we are doing is requesting the dates.

It may be a more practical suggestion that we find a way, clerk, of leaving this up to the subcommittee to decide, because we could be in a situation, whether we adopt Mr Marchese's suggestion or the original suggestion, that the dates the House leaders give us are different from both those suggestions and then we're in a position where we have to determine when the advertising actually should occur.

For example, if for whatever reason they gave us a very early week in January, we would have to immediately advertise. If it is the end of March or the first week in March, we might want to advertise a little bit later. So rather than saying, "This is the date we will advertise," perhaps we should change it to give us some flexibility, given the fact that when the House leaders make the committee arrangements for the intersession, this may not be possible. Then we won't be able to get the committee together to change. So perhaps the authority of the—

Clerk of the Committee: It would be easily done if you simply say that you require a week, at the discretion of

the three House leaders, and we will advertise based upon that date.

Mr Marchese: All right.

Clerk of the Committee: You would only have to rewrite number 1 and number 2 to state that you request a week and a date will be found later.

Mr Marchese: That's fine.

Mr Mark Morrow (Wentworth East): I think the easy way to get around that is to leave it up to the discretion of the Chair and the clerk for advertising purposes.

Clerk of the Committee: It's up to you if you wish to do that.

Mr Morrow: Just for advertising I'm referring to.

Mr Marchese: That's fine. It's based on the date, obviously. If the House leaders decide we can meet January 26 for those four or five days, then obviously you will decide when the ad goes out in order to be able to fit into those time frames presumably. So that's fine.

The Chair: Mr Hope.

Mr Randy R. Hope (Chatham-Kent): It's on a different topic, Mr Chair.

The Chair: Let's deal with this one first. I'm seeing a consensus here to change it. We will request one week. Hopefully, I presume—we won't put this in the motion—we'll be looking at the last week in January, the advertising to be determined at the call by the Chair.

Mr Marchese: That's fine.
The Chair: Is that suitable?

Mr John Sola (Mississauga East): We trust you, Mike.

The Chair: You can, now I'm not with the government any more. Mr Hope.

Mr Hope: One of the questions I have is around number 3. I'm not going to plan to be an expert on how many people are going to make presentations to the committee, but I'm looking at the time lines that you're allowing for the hearings in order for public input.

Because you've limited yourself to 15 minutes for an individual and 30 minutes for a group, I'm wondering if you would allow more flexibility, like saying 10 minutes for individuals, either 15 or 10 and either 20 or 30. Then that would govern the volume of presentations that are coming in and people who want to make presentations. That way allows the committee to be a little bit more flexible, getting more presentations in before the committee.

I'm just questioning your putting in specific times of 15 and 30 and you find out that the number is coming in and you'd like to accommodate more. If you're stuck with those numbers, then you can't move the schedules around enough to allow those individuals to come forward.

The Chair: The difficulty with that is the clerk really needs some instruction up front about how it will operate. It makes it very difficult for the clerk, as he's talking to presenters, to throw this other variable into the situation.

Mr Sola: And the presenters too.

The Chair: It could be that after being contacted by all these people, we may want to reconsider the amount of time that might be appropriate, but I think it would be unfair to the clerk at this point to give him that kind of variable. There are going to be too many variables for him to be able to talk to people wishing to make presentations to accommodate.

But I think your suggestion's valuable. If in fact we have more time to hear longer presentations or maybe we have to stay very close to the time lines, that's something we could look at at that point. But we don't know how many presentations we're going to have, so this is pretty standard in the committee.

Mr Hope: I am not an expert on the issue and it's hard for me to vote yes to 15 and 30. If I had more knowledge and understanding of what was actually out there in the public, whether it was a big public cry or not, you know, it's hard to make the judgement call on time. But if I'm going to take the direction of the subcommittee and if the subcommittee feels it's most appropriate for 15 and 30, then so be it. I just thought I'd have a better understanding.

Clerk of the Committee: Mr Hope, on the bottom in the last sentence it says that the Chair will consult with the three representatives. Usually what happens is that we set a deadline for the public to call in and make themselves known that they wish to make a presentation. I gather all of the names, groups and individuals and present them to the Chair and then he will consult with the three parties. Then they will have an idea.

For instance, if it says 100, then they will have to decide how much time, if they wish to hear all of them or do not wish to hear all of them. So it will be flexible in accordance with what we receive. For instance, if we only receive 10, then we'll hear everybody and we'll adjust the time.

Mr Hope: Okay, thank you.

Mr Marchese: I just think it's very useful for people to have a time line so that if they come at 10:20 or 10:30 they will be speaking. Otherwise, with a variable it's very confusing to the people who have to come as deputants. But as the clerk says, we can decide later, based on the number of people, to have 10 minutes and 20 minutes if that is the case. But whatever it is, I think it should be clear to the deputants.

Clerk of the Committee: To begin with it would be half an hour and 15 minutes.

Mr Marchese: Yes.

Clerk of the Committee: The other point for your consideration is to allow a specific time for the clause-by-clause of the bill. Do you wish to give it half a day or a day? I put that to you to assist us so that we know and set a time aside for the clause-by-clause.

Mr Bernard Grandmaître (Ottawa East): My only problem with the 15-minute presentation is that it doesn't leave us too much time for questions.

Clerk of the Committee: If I can assist the member on that—

Mr Grandmaître: I'm sorry. I'm late. We've talked about this before.

Clerk of the Committee: When the members of the public call the clerk, we usually give them information as to how they make their presentation. The direction we give them is that if they receive 15 minutes, we ask them to make their presentation seven minutes so that in the seven minutes remaining the members can ask questions on the brief. The groups that have half an hour we ask to have a presentation of 15 minutes and retain the 15 minutes for the members to ask clarification on their brief.

Mr Grandmaître: A seven-minute presentation? Do you think it's fair for us to ask people to displace themselves for seven minutes?

The Chair: I would just remind Mr Grandmaître that the subcommittee had decided this.

Mr Sola: And he was part of the subcommittee, I assume.

Mr Marchese: To be fair, there were two people he had left, and some other representatives spoke to the other.

Clerk of the Committee: To answer your question, Mr Grandmaître, the individuals and the groups focus much better if there is a smaller period of time and come to the point much quicker, so their presentation is to the point and exactly what they want to say. It's been working fine for—

Mr Marchese: We're following current practice.

Mr Grandmaître: Psychology. It's going to take them 20 minutes to get here by subway. Seven-minute presentations, that isn't much time.

The Chair: All right. Further discussion on the subcommittee report?

Mr Marchese: There is a question to be raised in terms of how much time we should allot for the clause-by-clause, and I'm not sure yet. We might leave that flexible for the moment to determine later, to get a sense of whether we need half a day or a whole day for clause-by-clause.

Clerk of the Committee: Yes, that is okay. But, for instance, let us assume that you have a large number of people wishing to make presentations. They could cut into your clause-by-clause. Conceivably, you might need to come back on a Friday morning. So your option would be a Thursday afternoon or a Friday morning.

Mr Marchese: So we should wait to see how many deputants are going to come.

The Chair: I think we can resolve this issue after we have more of an idea where the committee is going with the public hearings. Do we need amendments to this, or how do we handle this?

Mr Marchese: We move the main motion with the amendment that was suggested.

Clerk of the Committee: The specific dates that we would be working will be January 26 to 29 for the committee meeting and the date for the advertising would be January 5. However, the caveat would be depending on the House leaders giving us two specific dates; otherwise, the Chair will speak to the other three parties regarding the dates.

The Chair: I think we could just leave the date of advertising to the Chair's discretion.

Clerk of the Committee: Yes, okay.

The Chair: Then we don't have to be too concerned about that today. Are there any other changes?

Clerk of the Committee: No, there are no other changes: the 15 and 30 minutes and the research and the budget. That's about it.

Mr Ted Arnott (Wellington): I'm sorry. Excuse me. You've indicated that the dates that are going to be suggested by the House leaders to sit are January 26 to 29. Is that correct?

The Chair: That's to be suggested. Whether, of course, those are the dates that actually occur is another matter.

Further discussion? All in favour? Carried.

BUDGET

The Chair: The next issue we have to deal with is the committee's budget. I believe all members have a copy.

Clerk of the Committee: The budget was set up in your first committee in the springtime. The committee's been operating without a budget, so you're working with a deficit.

Mr Sola: Sounds familiar.

Clerk of the Committee: I must also say that none of the committees have budgets, so this is not unusual. If someone could move it.

Mr Morrow: I'll move.

The Chair: Discussion?

Mr Arnott: On page 2 of the budget, meeting room rentals, \$250 times eight days. How is that paid?

Clerk of the Committee: First of all, when the budget was prepared, we were under the impression that we would be receiving Bill 75, the London bill, and we had made arrangements in London to rent a facility so that we could hear the hearings there. That's the reason why that is in here. More than likely, when this goes before the board, that will be slashed out.

Mr Marchese: Is it useful to make that change now, or does it matter?

The Chair: The other problem is that the government House leader or the House leaders in general have not indicated to this committee what legislation may be forthcoming for the intersession. It seems to me a practical matter to include this in the budget at this point. Obviously, if we don't get work that requires us to travel, then it won't need to be spent.

Clerk of the Committee: That's correct.

Mr Morrow: In my dealings as Chair of the Ombudsman, when you go before the Board of Internal Economy, they'll question it anyway and it will stay or be taken out at that time. Is that not correct?

Clerk of the Committee: That's correct. To follow up, Mr Brown, you have two weeks left of the Legislature, and in the past, last year, we received a bill the last week to review. That could happen. We could receive another bill for the interim. However, if not, it will be adjusted.

The Chair: Further questions or discussions regarding the budget? All in favour? Carried.

There will obviously be no meeting this afternoon. Seeing no further business, this committee is adjourned.

The committee adjourned at 1032.





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*Chair / Président: Brown, Michael A. (Algoma-Manitoulin L)

Vice-Chair / Vice-Président: McClelland, Carman (Brampton North/-Nord L)

*Arnott, Ted (Wellington PC)

Ferguson, Will, (Kitchener ND)

Fletcher, Derek (Guelph ND)

Harrington, Margaret H. (Niagara Falls ND)

*Hope, Randy R. (Chatham-Kent ND)

Mammoliti, George (Yorkview ND)

*Marchese, Rosario (Fort York ND)

Murdoch, Bill (Grey PC)

Poole, Dianne (Eglinton L)

*Sola, John (Mississauga East/-Est L)

Substitutions / Membres remplaçants:

- *Akande, Zanana L. (St Andrew-St Patrick ND) for Mr Mammoliti
- *Grandmaître, Bernard (Ottawa East/-Est L) for Mr McClelland
- *Morrow, Mark (Wentworth East/-Est ND) for Mr Ferguson

Clerk / Greffier: Carrozza, Franco

Staff / Personnel: Luski, Lorraine, research officer, Legislative Research Service

^{*}In attendance / présents



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Standing committee on general government

Toronto Islands Residential Community Stewardship Act, 1993

Comité permanent des affaires gouvernementales

Loi de 1993 sur l'administration de la zone résidentielle des îles de Toronto

Chair: Michael A. Brown Clerk: Franco Carrozza Président : Michael A. Brown Greffier : Franco Carrozza

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Tuesday 26 January 1993

The committee met at 1009 in committee room 2.

TORONTO ISLANDS RESIDENTIAL COMMUNITY
STEWARDSHIP ACT, 1993
LOI DE 1993 SUR L'ADMINISTRATION
DE LA ZONE RÉSIDENTIELLE
DES ÎLES DE TORONTO

Consideration of Bill 61, An Act respecting Algonquin and Ward's Islands and respecting the Stewardship of the Residential Community on the Toronto Islands / Loi concernant les îles Algonquin et Ward's et concernant l'administration de la zone résidentielle des îles de Toronto.

The Chair (Mr Michael A. Brown): The standing committee on general government will come to order. The business of the committee is to consider Bill 61, An Act respecting Algonquin and Ward's Islands and respecting the Stewardship of the Residential Community on the Toronto Islands. The way we will proceed today is to begin with a statement from the parliamentary assistant for Municipal Affairs, Mr Mills, followed by an opportunity for the two opposition critics to make brief statements. Then we will move to Mr Johnston in the ministry to make a submission and members will then have an opportunity to ask questions.

I would apologize to the members for the change in schedule, but I think we all recognize why that had to occur. I would like, if I could, to have the subcommittee meet immediately following the meeting this morning to consider how we will allocate the remaining time. There are a number of suggestions, and I think we should try to accommodate those. Mr Mills.

MINISTRY OF MUNICIPAL AFFAIRS

Mr Gordon Mills (Durham East): Mr Chairman and members of the committee, the bill which is before you today is designed to resolve the long-standing dispute involving the city of Toronto, Metropolitan Toronto and the province over the future of the Toronto Islands.

This issue has been debated publicly and in the courts, up to and including the Supreme Court of Canada. Through all of this controversy the residential community on the islands has been left in limbo as to its survival and its future. The Toronto Islands Residential Community Stewardship Act will put this matter to rest.

Bill 61 is the result of consultation and negotiations with the province, Metro Toronto, the city of Toronto and the islanders themselves, all of whom made accommodations and compromises to their original positions. This bill represents the best, the most comprehensive solution to this long-standing, thorny issue.

Before detailing the provisions of the act, I would like briefly to recap the background of the Toronto Islands, as it has a considerable impact on what emerged in the legislation.

The Toronto Islands community is as old as this country. It began as a cottage development in 1867, the year of Confederation. Twenty-one years later, the city of Toronto established a 200-acre park there. The attempted dismantling of this close and independent community began in 1956, when Metro Toronto first took over the islands. Four hundred homes were demolished in 1957, and in 1968 the first homes were demolished without compensation. Since 1974, when Metro terminated the islanders' leases, members of the community have led a precarious existence, uncertain about their future. The legislation before you for public hearing will give the community the sense of security it needs to plan for the future.

The Toronto Islands are home to 650 people, who occupy some 250 houses on 33 acres of land. That is less than 5% of the total land of the islands, less than that occupied by the private yacht clubs on the islands. According to a 1991 survey of island residents, 65% have lived on the island for 15 years or more, 54 of the 250 houses are owned by retirees and more than 22% of the residents have a household income of less than \$20,000. Clearly, this is a community worthy of consideration and preservation, not only for the benefit of those who live there but for the thousands of people who love to visit it yearly.

On March 13, 1991, Richard Johnston was appointed by the Minister of Municipal Affairs as special adviser on the Toronto Islands. He was given 60 days in which to report on the fairest way to ensure the preservation of a residential community on the islands. Mr Johnston is here today to take you briefly through a history of negotiations on the islands and through his own consultation process, but before he does, I would like to review the set of assumptions Mr Johnston worked under.

First of all, it was assumed that the community should stay for the long term. All residents, regardless of their income, should be allowed to remain.

It was equally important that the land remain in public ownership but that the ownership of the houses should revert to the islanders. The housing on this public land should not be and will not be used or exchanged for excessive individual profit.

The goal was a reasonable balance between the control of individual profits and the costs of residency. This legislation will establish and enshrine that balance. It was important that any solution should not be a burden on the Metro taxpayer, that the island community should be as self-sustaining as possible.

Finally, it was established that Ward's Island should continue to be a gateway to the island park.

The bill that you're about to review ensures that these assumptions are met. It embodies the spirit and intent of Mr Johnston's report.

Members of the committee may recall that the Minister of Municipal Affairs first introduced the Toronto Islands bill on December 19, 1991. It contained these measures:

- Land comprising the residential community will remain in public ownership, being transferred from Metro Toronto to the province because Metro did not wish to be a land owner, as Mr Johnston had suggested it become.
- A Toronto Islands Community Trust, with representation from the community and the government, will be established to manage the lands.
- The province will lease the land to this trust for 99 years. The trust will manage all transactions pertaining to the land and houses on the islands and oversee the designated new development. It will also be responsible for the development and maintenance of those lands not used for residential purposes.
- Homes will be returned to the island residents, who will have limited rights of ownership which I will outline shortly.
- Island residents will be offered 99-year leases for the land. Residents on Ward's Island will pay \$36,000 for their land leases, while each land lease for the larger lots on Algonquin Island will cost \$46,000.
- Low-income seniors will be entitled to a 25% payment deferral on the purchase price.
- The city of Toronto will receive about \$12 million through the sale of land leases to island residents. In addition, the city will be able to collect approximately 50% of its previous investment in water and sewer services.
- Property sales will be strictly regulated to ensure that no windfall profits accrue. All home and lease sales will take place through the community trust. The selling price of a home will be determined by a formula which takes into account the current cost of building and the owner's equity, which will grow annually.
- The selling price of the land lease would also be subject to a formula, which will consider the cost of money and the accumulative rate of inflation from the time the lease starts to the year it is sold. Nancy Bardecki, the director of the municipal finance branch at the Ministry of Municipal Affairs, will explain how the formula works in her presentation, which will follow later.
- In addition to those houses already on the islands, the community will be increased by up to 110 new housing units. At least 80 of the new homes will be managed by a housing cooperative. The increased number of homes will make the community's services more cost-efficient and open up to the public the opportunity to live on the islands.

We believe these provisions are fair to all parties.

After the bill was introduced in December 1991, further consultation took place with the island residents. As a result, several refinements were made and the bill was reintroduced in June 1992. Most of the changes to the bill are technical in nature and do not affect the policy directions or decisions contained in the original bill. However, they do include these measures:

— Individuals who occupy a home on the islands but who are not entitled to ownership of it will have some protection. A "protected occupant" would be allowed to continue to occupy the house for a set period of time while

seeking alternative housing on the islands or elsewhere. They will be required to pay rent for the house and land.

- The money from the house will be held in trust for the owner, who will be paid with interest. "Protected occupants" will be given priority to purchase a house on the islands and they will also be given priority for units run by the co-op.
- A commissioner will be appointed by the Lieutenant Governor to determine ownership of island homes where the ownership is in dispute. It is the commissioner who will rule on whether an individual is entitled to be a "protected occupant."
- Another change to the original legislation allows owners in certain circumstances, such as long-term illness or sabbatical leave, to sublease their houses with the approval of the community trust.
- In line with the spirit of the Johnston report, provisions have been added to allow owners, upon their deaths, to transfer their houses to their children.

I'm going to pause here, Mr Chairman. Oh, I've got another sheet, just before we get to Mr Johnston.

Let us remember that this legislation will not only benefit those who live on the islands, but the thousands of people who each year visit there to stroll the car-free streets and enjoy the relaxed atmosphere of one of North America's most unique communities.

This hard-won resolution, this legislation, will preserve an important part of our heritage that will provide benefits for future generations of Ontarians to enjoy. Mr Chairman and members of the committee, I would ask you to keep this in mind during the hearings.

Richard Johnston and the staff of the Ministry of Municipal Affairs are on hand to assist and make a presentation following the opportunity for members of the opposition to comment.

1020

Mr Bernard Grandmaître (Ottawa East): I think it's a little too early to criticize the bill. I'd like to hear from Mr Johnston and also from the ministry. I'd be very interested in learning about the formula, how they decided that some homes or land were worth \$36,000 on Ward's Island and \$46,000 on Algonquin Island. So I'm very much interested in finding out what that formula is all about.

Mr Chris Stockwell (Etobicoke West): It was a curious explanation the parliamentary assistant gave of the legislation, offering up Mr Johnston as an expert witness, or an expert. With respect to presenting his report, I think it's unfair to suggest that this is some non-partisan individual who's going to offer an impartial view of the island. Mr Johnston's position on the island is not a secret and wasn't a secret when he was a member of this Legislature. He was in favour of the preservation of the island homes.

Let's bear that in mind before Mr Johnston makes his presentation. I've read Mr Johnston's report and it's pretty much the same stuff that I've heard for the past 10 years I've been dealing with this issue, and probably the past 30 or 40 years that this issue has been around.

I'm going to be very curious to hear about some of the information you're going to bring forward with respect to transfer of the leases and costs, and this information about rent that will be paid and interest accrued and delivered back to the owner. This will be a rather interesting explanation. It will be interesting to hear from the finance people in Municipal Affairs exactly how this approach will be used.

I seriously, seriously question the percentages that you gave in the beginning. I think you should recheck those. I don't believe them, that 65% have lived on the island for 15 years or more, that 22% of the residents' income is less than \$20,000; I'm not sure about that. I think you should recheck the occupancy and the years of occupancy. I think they're just basically wrong. It would be interesting if you rechecked those as of today, because I think you'll find that most of the residents, or a goodly number of the residents, haven't lived there as long as you've suggested they have, according to the rolls I've seen.

Finally, as we go through this, I think we should bear in mind there are a significant number of people living on that island who have a very high standard of living, who make a lot of money. As we go through this, I think all parties should remember that there are a lot of people out there, like single mothers and seniors, who are living in basement apartments, literally dumps, in this city, paying upwards of \$600 a month, \$800 a month to live in dumps. We should remember this as we work our way through this and discover who these people are or who some of these people are who live on the island. and we should bear that in mind when we figure out that at \$36,000 and \$46,000 a year, it's going to cost them a buck a day for 100 years to live on this island.

I think the socialists, who should cast their minds back to when they were in opposition and they talked about fair market value and affordable housing and so on, should remember the deal they cut with some of what I would consider to be wealthy people in this Metropolitan Toronto area, and bear in mind the single mothers out there and the seniors and so on who are living in dumps for \$600 and \$700 a month.

The Chair: Mr Mills, if you would like to answer this.

Mr Mills: I would like to now call on Mr Richard Johnston to talk about the history of the Toronto Islands community and the search he had for the solutions in this area.

RICHARD JOHNSTON

The Chair: Welcome to the committee, Mr Johnston. You're certainly a familiar face in this place.

Mr Richard Johnston: Thank you. It's good to be back, and I would have only expected that warm welcome I'd already anticipated. I would have been disappointed if it had been otherwise.

I'd like to set a context for how I looked at this report as I developed it. Mr Stockwell's absolutely right. I've been a supporter of the Toronto Islands community remaining since I was elected in 1979, and as you see by the

presumptions of my report, I presumed that the community would continue as I followed it.

However, the ideas that find themselves in the report I did not have in 1979 or 1981, in fact I didn't have until I was well through the process of consultation. What I'd like to present to you is an argument that what you have here is something borrowed and something new, and one could even say something green, something red and something blue. I borrowed from all the political parties that were involved over the years in terms of their ideas and tried to amalgamate a number of approaches that had already been taken into consideration by others. There is only a new twist, if I can put it that way, in terms of what I presented.

I'll just give you a bit of the historical context. I think you'll get this from some other people in more colourful ways. The island has always been controversial, since the very first pub was opened on it back in the 1850s, and has always been popular in some aspects and resented in others. I would just say that this tradition will continue probably long after any legislation is put in. I never expected this issue to be put to bed for ever and ever.

There are, of course, all sorts of people with connections to the island that I never realized before I was involved, whether it was Hugh Garner, who spent much of his childhood there, or Mayor Joyce Trimmer, whose first home in Canada was on Toronto Island, or Mayor Crombie and John Sewell. Of course, Michael Cassidy, one of our past leaders of the NDP, actually lived there for a while as well. The connections are many and always surprising when I discover who has some intimate relationship to the island.

I guess I would want to just put us, not in the ancient historical context but start in the 1950s.

If you look at the island of the 1940s and early 1950s, you have an island with a population of between 5,000 and 7,000 people living on it, some would argue as many as 4,000 of those being year-long. The figures are very hard to confirm at that stage, but if you look at Barry Swadron's report, he goes into a lot of detail about that.

It's also a place which was a sort of Coney Island at one point, massive hotels at Hanlan's Point and other places, wonderful carnivals, a place where much of Toronto went to spend its summers.

At that time, in the late 1940s and early 1950s, the proposal that ended up finally with this being a park is a park is a park, which turns out to be what this issue revolves around ultimately, was not considered until the very last minute, at the beginning of Metro council in those days. Up to that point, there were two plans before the council, one of which was to develop huge storage spaces and warehouses out there, and the other was a massive kind of condominium development with a tunnel to the island. That was what was before the council for discussion.

It was being opposed by the islanders because this would destroy the tradition of the place, and in the interesting twists and turns of politics, and maybe especially local politics even more so than provincial, at the last minute, all of a sudden it was said, "Well, this whole thing should be a park," and that's where the parks department started in Metro. It became the symbol for Tommy Thompson and

others that a park is a park and you can walk on the grass and all of those kinds of very important icons, and became part of the conflict.

Even at that early stage there were people who were arguing that an urban park did not have to just be grass and picnic tables, that it could fact include housing, and that if places like Central Park had thought of things like that, they might be a lot less insecure places than they are at the present time. So the battle was basically taken from that perspective at that time.

1030

I'd also say that if you look at the way the islands have been used from the 1940s through to now, there are about a quarter of the people going to the Toronto Islands today who went in the 1940s. Half as many people went to the Toronto Islands in 1991 or 1992 as went in the 1960s, an amazing dropoff of usage of those facilities, and I think—and I'll come to that point at the very end, a point that was misunderstood in my report entirely, I think, along with many other aspects—that there's been a lack of creativity and imagination about the appropriate usage of that kind of park space. It's not a wilderness park; it is a city park and it really needs to have much better usage.

There's a present deficit in the ferry services to the islands of almost \$4 million a year at this point. I don't think this city, quite frankly, can countenance that lasting for much longer. If we don't find more efficient ways to provide services to the community of Toronto using the islands, then I think the islands themselves will be in jeopardy. That became something that started to come up in the back of my mind as I went through the process.

Up until the 1960s, when homes were displaced and when the Toronto Islands were built, for instance, many homes were moved from Hanlan's Point and that area down to Algonquin Island, which is one of the two islands in question here today. All of those homes were compensated for when people couldn't move and there was a financial recognition of people having been there for many years and sometimes generations.

It was only in the 1960s, as things got more acrimonious between the island community and Metropolitan Toronto council at that time, that the notion of compensation ended and homes started to be destroyed without any financial compensation to the individuals, many of whom had lived there for 30 or 40 years at that time.

The battles, of course, continued during the 1970s, and I'm not going to go into the details of that. I'm sure most of you researched those. Barry Swadron QC was asked to produce a report, which he did in 1981, which produced—if I could put it this way and I think even Barry would consider it this way—a half-solution. It produced a guarantee that the community could remain there until 2005 but took away the question of ownership of the properties, that is to say of the houses for those individuals, a very vexing question for the islanders, as I say, especially for the long-term residents.

I might say, just in response to Mr Stockwell's concerns about the census that was taken, the figures that are used are from a census done by islanders but in fact it goes very close to the federal census that was actually taken of

the island just prior to that. In my consultations I met virtually everyone who lives on the island as well as most of the people who have claims to property there but are in dispute. I don't find anything untoward about those statistics. There are wealthy people who live on the island, it's true, but I was surprised at the large number of seniors who put up with those winters and the conditions they have and especially the number of poor, single-mother-led families, many of whom are tenants but not all of whom are, of the ones I met on the island.

At any rate, Swadron's report looked like it might have produced a solution in 1981 but it didn't, partially because of this question of ownership, which became a battle-cry, and partially because the city council in Toronto wanted to try to recognize ownership. The city in those days, it's important to remember, was very much the ally of the Toronto Islands residents, so much so that even when I was going through this process of consultation and the city in fact voted not to participate with me at one point, the islanders still preferred the city to Metro as landlord. The hatred was very much directed—and that's not too strong a word—at Metro council and not at the city of Toronto.

The city was very much actively lobbying all three provincial parties to try to get changes in legislation that would allow people to have ownership of their houses, at least, in whatever solution came forward, and so during that whole period did not levy any of the rents against the individuals. They paid Metro what was the assigned amount for Metro's portion, which is to say the result of the Gordon Atlin QC's arbitration amount, which is around \$655,000 a year. That money was turned over by the city to Metro after that arbitration was made, but the actual levy on the residents was never made.

There was never a formula established for rents. There was never a call for money from the islanders from the city. Often that's turned around against the islanders, but I think if you look at responsibility, the city of Toronto had a responsibility to its taxpayers, if it felt inclined to do so, to actually require payment of rent during that period and it did not do so, again for the reasons which are very well laid out in council records that you can have a look at, about why it wanted to try to change the nature of it.

Just before I came on the scene in 1990, there were two more attempts to find a solution. I think these are really important to put into context and not to forget at this stage. First, there was the Perlin-West report, as it's known, which was a staff report to the city of Toronto from the solicitor and one of the directors, which recommended a solution, which was negotiated with the islanders, and which in late September was defeated by council. I wish to come back to that. The other concerned negotiations between Mayor Art Eggleton and the Metro chair, Mr Tonks, around a solution which would allow Metro to maintain control. I'll come back to that one. Both of these failed, for reasons which I'll allude to in a minute.

The basis for the Perlin-West approach was the Gordon Atlin QC arbitration, in which he determined the rate of rent that he thought should be there for the island properties. I use this as one of the benchmarks for coming up with the capitalized lease that has caused so much difficulty to Mr

Stockwell and others. That attribution was essentially assumed by the Perlin-West people. The figure they used was \$46,950 for Ward's and \$62,586 for Algonquin as a capitalized lease: something less than \$2 a day for 99 years for the one and slightly more than \$2 a day for the other, if you wish to use Mr Stockwell's analysis about how capitalized leases work, which I would indicate at first that I do not accept as a notion at all.

Gordon Atlin's award was-

Interjection.

Mr Johnston: Well, I think I'll show you how I'm an expert in a few minutes, if I might. I'm used to parliamentary asides.

Mr Atlin's report, which I hope you've all read, and if you haven't read, you should read, because it is the basis of the decisions, indicated the following. If I might, I'd just like to read from his conclusions on the last page, because he is an expert, as were the people who did the assessments for him.

The third-last paragraph: "The great value of the island homes is in their location and not their buildings. An analysis of my ward should make it clear that the greatest part of the rent by far is attributable to the land." So of that \$46,000 and \$60,000-some that he attributed to the two islands, he admits that the vast majority of that actually is land value, not house value. I think it's very important when you then come to why I tried to take land values out of the formulation. Even with his very small capitalized lease, one can argue, he was including land costs. He estimated that the value of the home was 23% of the overall value of the property plus home. That was his analysis, done by three separate assessors who worked for him.

He also made a couple of other points, which I'd like to refer to now in case I forget them later on. He said that the city, which was at that point claiming it should receive money back for the costs of sewers, was incorrect. He said he didn't have a right to rule on that, because it was outside his purview, but every other established community in Metropolitan Toronto would not have to pay the capitalized costs of sewer hookup in the way that the islanders were being asked to do. I refer to that within my report as well to indicate that something should be done, but not the full amount. I tried to make a sawoff on that, as you recall, but I based part of my decision on his comments and on other comments around the validity of the sewer hookup.

The other thing he said was that it was unjust to have the ferry deficit applied in any way to the islanders, that no other people who were reliant on public transit in Metropolitan Toronto ever had the deficits of the TTC applied directly to them and not to other users of the system. I think that also was a very important point that needs to be made.

The city, when it comes before you, will, I think, argue that the question of the sewer hookup, in technical terms, is that this was a new sewer, and it was not to an existing community and therefore could be seen to be distinct. I would argue that because there were sewers already on the island, to the yacht club, for instance, pushed through in 1977, although not to the rest of the community, as part of

the battle between the islanders and Metropolitan Toronto council, in fact this was a hookup. It was not a brand-new service to something which never existed in the past.

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The Perlin-West report had the following principles in it, and I think if you look at these you'll see that a lot of the principles in my report are not brand-new. They came from somewhere else. The Perlin-West report indicated, (1) that there should be home ownership, that that principle should be accepted, and (2) that there should be a 99-year capitalized lease.

The preference for capitalized lease, which I followed as well as he followed, which always then is open to the attack of the dollar-a-day or two-dollars-a-day or three-dollars-a-day kind of approach, is that the money up front, of course, is worth more than getting so much per month, that the city or municipality can use that for investment if it chooses to do so, and that you really have to look at the relative value of those dollars over 99 years and what increments and incomes people could have made from those dollars if they had maintained them rather than paying it out in capital. That is in fact why capitalized leases are used in many, many instances as a preferred approach by municipalities and other groups.

Another principle that he had involved was no windfall profits. I would say that this was the major area of failing in the Perlin-West report, and I'd like to come back to this in a few minutes if I might.

Another principle is that there should be no economic eviction. He recognized that there were many poorer people out there and he wanted to find some way to be able to ensure that they could stay as well. They used a different formulation than I did. They indicated that no one should have to pay more than 30% of their income on paying for their leases, and therefore had a lien system on it. I think it was a severe lien system which, for most of the seniors on the island, would have effectively, within a five- to 10-year period, taken away most of their capacity to have any equity in their homes at all. It would have been very hard on those poorer individuals.

The other principle was that this needed to be a year-round community, that this could no longer be a vacation spot for the wealthy from the city of Toronto but really had to be people who were willing to live there. That was an important principle within the Perlin-West approach, not my approach, as I indicated; I borrowed from these ideas.

The other thing was whether there should be protection for existing tenants. He also recognized, and they recognized, that there were many people there who had been tenants for 15 years or 20 years, were not disputing ownership, but were really strong members of that very vibrant community, obviously vibrant to be able to withstand the pressures for its demolition that it has had over the years.

Another thing he suggested is that co-op housing be an alternative for vacant lots, so again, another one of the concepts which I changed slightly in my report was raised first in the Perlin-West approach.

The last principle I bring forward is that he proposed a loan-guarantee approach to allow lower-income people to be able to stay.

I would argue, however, that the windfall profit side of his formulation was much less rigorous than what I've put into my report. I will remind you that the difference, especially with the present leases listed in the legislation, is not that significant—\$46,000 for Ward's—to what is in our present legislation. But with that, you only had a three-year effective control on resale. At the end of three years you could sell your place for whatever you could get. The next person who bought it would also be caught for three years but then could sell it. So effectively, at two points, at the three-year period and again at the six-year period, under Perlin-West, you could have had massive capital gain.

For people who paid \$1,000 for their homes when the homes were most insecure, for instance in the late 1970s, that could have been a massive windfall, which I think would have been unacceptable, given all the other provisions and principles that were being put in place here. I thought it was going too far. At the end of six years, there would have been absolutely no control. Therefore, that major principle of real estate that location, location is everything would have applied to the islands and I think it would have become a place where only high-income people could have gone. The prices would have skyrocketed if this approach had been accepted and passed by the council of the day.

What I'd like to do is now move to the question of the orange, red and blue, if I might, and look to 1990. In 1990, all three parties again, as usual, went on record on the Toronto Islands, and I'd like to remind you of what the three party leaders at that point indicated their support for.

Each of them wrote a letter in support of the Perlin-West solution—each one of them. For those of you who are worried about major giveaways to islanders, I would argue, as I will take you through the land trust notion, that we've got much more control on this than that which all three parties supported.

I'll give you some quotes, if you like, from the various leaders. Bob Rae very clearly was in favour, and I'm the result of that, I suppose.

David Peterson, in a letter of September 2, 1990, in the ending days of that election, confirms his commitment to the long-term preservation of the Toronto Islands community. "The Liberal government's position on this issue has consistently been that we will bring forward the necessary legislation to enshrine home ownership in the hands of those with proper documentation." He compliments them on the work being done on this particular solution, the Perlin-West solution, and hopes that it goes through.

Mike Harris indicates that he will introduce enabling legislation to put the agreement in place, referring to the Perlin-West agreement that was being negotiated at that time. It has been minuted in the Toronto council meetings. You can get that from those, or I have copies of it here if you'd like to have a look at it.

So all three parties indicated that the Perlin-West approach was acceptable to them, in what I would consider untoward generosity in terms of profiteering that was possible. The other aspects of it I endorse wholeheartedly.

When Mr Perlin comes before you, as I think he will for the city of Toronto, arguing for slightly more money for the leases, I think it would be interesting to put it in the context of what he had recommended in 1990, which I think was a lot less tight than what is in my recommendations.

At this same point, the Metro chairman, Mr Tonks, was in negotiations privately with the mayor of Toronto. His approach was to try to get Metro to maintain itself as landlord and to set up a system which would guarantee the homes of anybody who was there, but essentially it would be the end of the island community by attrition: Any time a person died or moved off the island, that home would then become the property of Metro Toronto, which could decide whether to tear it down or to allow somebody else to live there.

That almost came to agreement. The problem fell down to the following matter. The city of Toronto wished to be made whole, as it kept saying; that is to say, that it should get all its money back, but its definition of what all its money was was unacceptable to Metro, and I concur with Metro on this. That is, they started to add imputed interest to the rents they'd never asked for, something which no landlord in the province of Ontario can do under the Landlord and Tenant Act, I might add. But never having told an individual what it was they actually had to pay, they then had worked out this approach to actually add imputed interest all the way through, which came to a much healthier sum than the \$6.7 million they'd actually passed on to Metro at that point. Metropolitan Toronto said: "No, that's not acceptable. We'll give you back the money you've given us, but we're not going to give you imputed interest on these other things." So that deal fell apart as well.

By December of that year, it became clear that there was an impasse, that after nine years, since the Swadron report and the legislation in 1981, there was no solution to be found. As a result, I was then appointed to try to come in and find a solution.

My whole presumption from the beginning was to build on work that had already been done, to try to use things which looked like they were parts of solutions to come up with an answer. In trying to do so, I have to admit I was unable to do so entirely; partially, I was unable to do so because of the intransigence of opinion and emotion that surrounds this issue.

I have to tell you, I've never been around an issue where people got so emotional, on either side, as on this one. The very day the commission was announced, islanders were being referred to as terrorists, and islanders were basically threatening to do all sorts of things if I happened to make Metro their landlord ever again. It was very hot and heavy.

I then found, unfortunately, that at city hall—I say "unfortunately" just for my purpose of trying to find a solution—the mood was changing fairly dramatically. People like Mr O'Donohue, who had fallen out of favour in the island community and vice versa, during the 1971 mayoralty campaign when its support went elsewhere—the views at city hall were now hardening and that the kind of deal that was available before in Perlin-West was no

longer available. As I indicated to you, they actually passed a motion that stopped the mayor from being able to discuss potential solutions with me.

So I had to work out much of the calculations in terms of the actual cost for the city without the help of staff, or sometimes in a clandestine way, with staff at the city trying to help me understand the costs to the city so that they would not be left high and dry. Again, one of the principles I was trying to operate on was that no level of government should be stuck with a bill and that no taxpayer should have to bear the brunt of this thing. That was part of the approach I tried to take on this.

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It was very clear to the city throughout all of this, by the way, especially after the report had come down and Metro had indicated it didn't want to be landlord under these terms, that the city could have done much better, under my formulation, if it had been landlord: It would have been several million dollars ahead. But because it had taken responsibilities of landlord, with Metro as landlord or now with the province as landlord, it didn't gain the same kinds of dollars it might have if it had taken those kind of responsibilities.

I just want to deal with why I moved to the land trust; it was because of this question of land values. It struck me, looking at it, that this microcosm, which is quite unique but has some other applications, was an interesting one in terms of the building of private domiciles on public property. Presumably, we all believe that the public interest must be maintained by keeping public control of the land, that we don't wish to cede that. I presume we all have that same set of beliefs, that it shouldn't be just turned over to private gain and private profit.

The difficulty with all the formulations we had was that that was a very hard thing to do if you didn't have some third party playing a role to control the sale and resale of homes. There was no other artificial way of taking the value of homes out of it. That's why I presumed a land trust would be a good idea; that is to say, a body which would be the sole body responsible for the sale of homes, that no individual would have the right to sell his or her home to another individual, that all sales would have to go through a land trust.

By so doing, you can then actually make the lease for land a lease for land. If you don't do that, then you're always going to have the value of your house confused between the land values and the replacement value of the actual home, which of course depreciates over time rather than gaining in value massively over time. That's one of the reasons I thought the land trust was a good idea.

The other reason was to do with the kind of community that was there. It looked like I was not going to have any choice but to suggest that Metro be the landlord, and that the islanders needed some sense of protection from a council which seemed bent on and determined to get rid of them, even right up to the very end. There are very strong forces on Metro council who want all island homes off the island. Therefore, the notion of some kind of body of the community, but with public control on it, would be a useful way of giving them a sense of buffer.

There's another thing, and I know this won't mean much to those who are not fond of the island as an interesting historical anomaly. The sense of stewardship that was already out there was something I thought lent itself very well to the whole idea of a land trust. That is to say, if you look at 50 homes of retirees and no services, it's amazing the way the community supports those individuals to be able to make their lives easy enough to live on an island with no store on it, no medical services on it; to provide those kinds of internal supports. I thought this was the kind of community that might actually be able to take back officially some responsibilities we've been busy divesting to government.

This may be too populist and non-socialist a notion, but I was quite attracted to the concept that communities and neighbourhoods maybe could look after themselves quite well, and that this one was maybe better suited than others. That's another of the reasons I thought the land trust was an interesting notion here.

If you then look at the fact that the land value is taken out of the home—Nancy, I presume, will go through this—unlike normal capitalized leases, there are extra penalities in this one for the home owner: They don't do as well as you normally do under a capitalized lease in terms of return on the dollar you put forward. Essentially, what happens is that the great value of the homes gets taken out.

While I was doing my report, there were several homes that were due to be replaced. One was a fire, and the insurance companies were indicating that the price to replace it physically would have been \$70,000. At the same time, houses on the island at that point, in what I call the grey market in my report, were selling for about \$140,000.

The other day I had a call from somebody asking me whether or not they should buy a house on the island which had just come up at \$180,000. If you look at my formulation, it would be crazy for somebody now to buy a house for \$180,000 on the island. Essentially, you'd be throwing away probably in the neighbourhood of \$60,000 that you'd never retrieve because you'd never be able to get the capital gain back out of it. The maximum value I can imagine at this stage for that house would be around \$110,000 for the structure, and that would be the most renovated house on the island at this point, on the largest lot. If you paid \$180,000 for that house, \$70,000 of its value is going to be very hard for you to ever pick back up.

Under the formula I devised, which has got now a 10-year review on it, I think wisely, in case we move into long-term depressions that affect the traditional growth of real estate, people on the island now, in terms of values of their homes, even at the rates I put them at, if things continue as they have for the last 30 years, will discover a major loss vis-à-vis the property values across the road over the next period of time.

For the last 30 years, the average increase in a house's value has been 4% above inflation. If you look at the formulation I've got in the report, which has been adapted and adopted by the government, that person is going to gradually, over a period of 10 to 15 years, lose value—I forget the figures in my own report, but I think it was around 23%, 25% of the value—because the property on

this side of the water is land value property; it's not the house. And if those property values continue to rise, unless we have some aberrant change in real estate that we have not seen for the last 30 years, the gap between the value of the homes on the island and those of the people on the mainland is going to widen.

What happens, essentially, is that most people's capital gain is in their homes, and most of it is based on land value. These are just undeniable truths. What anybody who stays on the island is doing is essentially throwing away that form of capital gain and will either have to gain it through some other kind of investment package, many of which, hopefully, are taxed and therefore are not as attractive, or in fact is going to want to move.

It should be remembered that when my report was put to a vote on the island, a large number of people were opposed to it. They were all people who understood the kind of constricture I was putting on the sense of ownership. This is a major difference between that which the three party leaders indicated their support for in 1990 and what I've suggested. I've suggested a major constraint on people's rights of ownership, for the privilege of being able to stay on public land. In some ways, this is a much tighter kind of control than most of us would ever want to accept, it seems to me.

Even with that, I discovered that there were at least two groups of people on the island who were not going to be able to stay on the island, who would be economically evicted even under my plan. The major group would be the seniors, who've been there, a lot of them, since the 1940s, 1950s, 1960s, who are very low-income and will not be able to gain mortgages to handle the leases; and a lot of the tenants, who are also long-term residents, who in my report I would like to see be able to continue.

That's where one of the ideas for the co-op came forward, as well as out of the Perlin-West report, as the first notion I'd seen of it. There had been an existing co-op established in 1977 on the island, so it could be resuscitated to look after it.

The idea of the co-op was also multifold in terms of its capacity. One purpose was to provide housing for these individuals, and I'm very happy to see the changes in the legislation to protect residents during this period of transition so they could move in.

The other was to make sure economic mix would remain the reality on the islands. I know there's this attack on the notion that the lawyers and the architects—maybe not the architects, because they're all unemployed these days, but the lawyers and other well-to-do people on the island are getting a great deal out of this. I would argue that this is, one, not the case if you look at their capital gains side, as I've already argued, and two, do we want to turn this into either an élitist community or a welfare community?

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I would argue that we don't, that mixed housing of the kind that's there now is the most vibrant kind of approach we could take, and that rather than coming out with some kind of formula that tries to be income-based, it was better to try to provide some means of people being able to stay,

while understanding that the big thing they've given up is rights to ownership, which they believe in very firmly and which all three parties had supported in 1990. I think that's a major thing those people have given up.

The other factor was my concern for other infrastructures if we were going to set up a land trust and the community was going to have to do even more stewardship than it's done in the past. In the legislation, as you see, there's only a guarantee of continued service to that which is there presently. This is always going to be an underserviced community. Anybody who thinks differently is kidding themselves. They're going to have to look after themselves.

With a small community and the kinds of committees they're going to need, and without Metro there to hate and energize them, they're going to need a lot more people to be able to help them do these kinds of things, to look after their garbage, to look after their seniors and other kinds of things. Also, the school itself I felt was not going to be viable unless there was a slightly larger population to guarantee a continual turnover of more children on the island.

For those reasons, I felt that adding infill was a good idea and that there was also a prospect for some more money coming to the land trust to be able to look after services if they were able to do some of the infill themselves, and that's why I split it into the two parts.

The formulation for the \$36,000 and \$46,000 figures is very important here, because not only is it a direct relationship to the Perlin-West approach because of the much tighter constrictor on land, but if we wanted to do renovation of homes to put them into the co-op, which is part of the idea I had, they wouldn't even have to leave their homes. They could just turn their home over to the co-op, have it renovated and brought up to scale and they'd be able to stay there.

If you wish to do that, going over about \$45,000 or \$50,000, it makes it very hard on the present formula for co-op renovation to be able to afford to do so. It would have meant that the average income of people coming into the co-op would have had to have been far too high for it to meet the kinds of equity issues I was after. So a figure of between sort of \$30,000 and \$45,000 seemed to be an appropriate kind of figure for being able to do that, as well as to construct a townhouse-style new co-op. That kind of figure per lot was not bad for being able to do that in an affordable kind of way, and that's why, again, the figure relates for the capitalized lease in those terms.

Mr Grandmaître: But Richard—

The Chair: You will get an opportunity for questions.

Mr Johnston: I'll just try to wrap up in a minute, Bernard. I'm sorry, I didn't mean to—well, I did mean to go on at such length, because I think it's important that people don't look at this as a facile kind of response. This was a very complicated set of tradeoffs. Taking any one of them out wrecks the rest of it, just like the Perlin-West approach worked until you looked at windfall. All right? I think this one has to have all these components to it or it doesn't work either.

In terms of the seniors, the other thing I'd like to indicate is that I think this notion of trying to provide people with a 25% break for those who have lived there pre-1975—so they've been there a long time—those seniors, almost all of whom I met were low income, almost all of them—I think there may have been one who would fit that category who was not—is that they should be given some kind of a break. That struck me as a more positive approach than the income capping kind of approach that was in Perlin-West and the lien, which would have taken away their ability to have any equity at all to pass on to their kids or their grandchildren, whomever they were going to try to get equity for. So that was why I took that approach for that side of things.

In terms of the formula for the resale of houses, I thought it would be a useful concept, which I borrowed from Metropolitan Toronto, to have what would be known as a limited equity kind of concept here. If you didn't have some kind of limited equity to give to the people who were going to be in the homes, why the heck should they treat them any differently than a renter would, because there'd be no kind of sense at all of why you'd upgrade your home in any sense at all. That's why I put in the formula which would be slightly above the inflation rate; 1.5% was the suggestion I put in.

In this time, if you took this last year and this year, and extrapolated that over a decade, that would be inappropriate because it would be more than most people would be making on the mainland because of the depression of real estate on this side. That's why there's a 10-year review to make sure that if that gets out of whack, you can adjust the formula. Over the long period, I think that will still be significantly below any major changes and trends in real estate on the mainland, and with normal market values and market forces playing a role.

Perhaps rather than going on ad infinitum about the wonders of this report, I would just like to again give credit to the Conservative Party, the Liberal Party, the city of Toronto and Metro Toronto for some of the ideas that found themselves into this particular mix, and just say that I don't think this is perfect, by any means; I never pretended it was, but this is an issue that deserves to go away after all this time, so that the public interest can be seen to be protected and the city of Toronto taxpayer is not going to lose any money.

Metropolitan Toronto has already received over \$8 million for a property that it got for \$1. That's absolutely true; it did.

Mr Stockwell: Sure, and what has it cost them to maintain the property for the past years? A hell of a lot more than one buck.

The Chair: Perhaps we can have questions later.

Mr Johnston: The relative argument about whether or not Metro Toronto has spent appropriate money on that community is a wonderful one to get into, because compared with any other community in Metropolitan Toronto it has not provided the kind of support to that community that one would have expected of a government at this level. If anything, the evidence is very clear that there was

profound harassment over the last number of years around the islanders because of a philosophical difference, a legitimate one, between that government and those people's right to exist. Mr Stockwell knows it well because he was part of it.

I would just indicate that Metro Toronto has not lost money on this. The city of Toronto will recover more than the money it should have charged for rent, and therefore it doesn't have a cost. The province doesn't have a cost against it because of the fact that it is now the landlord and is going to get certain moneys coming back to it. The islanders are not going to be able to have windfall profits. Other people will be able to go and live on the island who have not been able to do so before. The final thing I guess I'd say is that perhaps once this is put behind us, we can actually look at more imaginative ways to deal with that park and that property, 650 acres of which are underutilized and need to be better utilized.

I look at the fact that you could have a Ned Hanlan museum there. The marine museum could be there. You could rebuild or ask private enterprise to rebuild a couple of the wonderful old hotels that have been there and have them as places you could use for in-service training or various other kinds of things and get people to focus much more on the kind of asset it is than that which we have done up to this point.

I would just hope that finally, when the bad feeling and bad blood which has lain behind this issue for so many years is out of the way, people with cool heads and not explosive tempers will try to find some very positive ways to make sure the islands are protected, because I think if the deficits continue on the ferries as they have been and the others costs continue as they have been, the islands will be in jeopardy again at some point, because of the inefficiencies of the park rather than because of the nature of the community that resides there.

The Chair: Thank you, Mr Johnston. I think at this point we could entertain questions if members would indicate to me who wants to go first.

Mr Grandmaître: Mr Johnston, you talked about the formula and questioning the formula. Tell me, how did you arrive at \$36,000 and \$46,000? First, I think, Mr Johnston, you settled a problem which dates back since Confederation. I think you did such a good job in 60 days that you should have been negotiating Meech Lake and all of our constitutional—

Mr Johnston: I was always on the wrong side of that one.

Mr Grandmaître: You did an excellent job. I don't know why they left you out of the Constitution. Can you now explain your formula?

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Mr Johnston: Now that your tongue's out of your cheek, I will.

The presumption, first, was I looked at the Atlin award and thought that the Atlin award was a just approach, that there had been three independent assessments done on that and that the valuation the city took, in terms of interpreting that \$655,000 figure for the entire community, if extrapolated

for the homes, would have been \$46,950 on Ward's and \$62,586 on Algonquin for capitalized lease, which would've included the value of the land.

As a result, I thought, if I'm taking the land out of this entirely, then what I should be doing is reducing the supposed value, because location means nothing now, and location in the analysis done by the assessors was worth the majority of the money. So if I take out the value of the location—I'm just saying this is X number of square feet that you're sitting on—then it has to be a lower dollar than that.

When I tried to figure out the range, as I said, I thought the range could have been between \$30,000 at the low end and \$50,000 at the high end for the various properties, and an argument should be made, as it was by the city, for a different amount for the Ward's Island lots, which were on the whole much smaller, than for the Algonquin lots, which were much larger.

Then when I looked at the formulation for co-op, because that had to become part of the plan, I looked at the range of dollars that would've been acceptable to keep prices in an affordable range, so that again we wouldn't have too high an income group needing to go into co-op, and it turned out to be in the same kind of range.

That's why I came in with the 30-40 approach. It would've paid back the city under that other formula all that was required and would've made money for Metro. When the plan was reverted and Metro didn't wish it, I think the province was correct to raise those figures in the way it did to more adequately be able to compensate the city for its out-of-pocket expenses.

Mr Grandmaître: In my days of being involved with the Toronto Islands, I was told that the islands were never assessed. Did you find out differently?

Mr Johnston: In which sense never assessed?

Mr Grandmaître: I'm talking about assessment and taxes.

Mr Johnston: Oh, by the city of Toronto.

Mr Grandmaître: Yes.

Mr Johnston: It's probably true, on the one hand. On the other hand, there were people who received tax rolls and that was much easier to do on Algonquin than it was on Ward's. If you go to Ward's Island, you'll discover that discovering what the boundaries are between houses is one of the most difficult things to do in the world because they were based on an old footprint concept, not on actual lots. It started off as a tent city, you see. It didn't start off as a residential community. It was only during the late 1930s, early 1940s, that people actually started to turn the tents into cottages much more, so they encroach on each other's property lines. It would be a very difficult thing to do a total assessment. You'd be better to ask the islanders specifically about that.

Mr Grandmaître: My next question is about surveying the islands. I don't think the islands were ever surveyed.

Mr Johnston: Algonquin was. Algonquin does have appropriate lots; it's Ward's that does not.

Mr Grandmaître: How will you resolve the Ward's problem?

Mr Johnston: One of the great values, number one, is that if you take out the value of the land, then the jealousy of property ownership over your plot diminishes enormously. I hope the same kind of tradition that's there now, which is to say, "Blurred lines are fine, thank you very much; my little tool shed happens to be on your side of what might be an arbitrary lot," will continue on the island and not be a problem.

But it may be that in the arbitrations—as you know, there are 13 to 15 contested ownerships at this stage—we will be forced to do a full-scale survey of the properties, and if that's the case, then some poor surveyor is going to have terrible headaches trying to sort it out on Ward's Island.

Mr Grandmaître: That's for sure. Once this bill is passed—there's no mention of an official plan for the islands—when will this take place? We're talking about building, but we don't have a zoning bylaw; we don't have an official plan. So before all of these great things are done, we'll need an official plan.

Maybe I could ask the Ministry of Municipal Affairs, what's the future plans of the ministry to ask the owners or the tenants of the islands to have an official plan?

Mr Mills: You've thrown that on me quick, Bernard. I don't have the answer right now but we can get it for you from ministry officials.

Mr Grandmaître: I was going to follow up with the floodplain problems and so on and so forth, because I was involved in those problems, and this is why I think it's so important that—now we're talking about co-ops and I'm all for co-ops. I think they're a great housing program. But before we talk about these things, we need an official plan, we need a zoning bylaw and we need a proper infrastructure program, and that's my biggest concern: infrastructure. Who will pay for it?

Mr Johnston: For which infrastructure, Bernard? There are not going to be any roads. That's one of the great benefits of this community. The sewers are already there and are adequate.

Mr Grandmaître: Adequate? I don't know. If you're going to increase the capacity, increase the density, will you be permitting apartments in those small homes on the islands?

Mr Johnston: No, but somebody else can speak to the provisions for sublet.

Mr Grandmaître: Richard, I have a concern that—

Mr Johnston: The notion at the moment is that the island home is to be a principal residence. It is not to be something which is sublet to three or four people to be in. That is not to take place.

Mr Grandmaître: Even if it is a principal home, you'll still be allowed an apartment.

Mr Johnston: I think again, when the city comes before you, it is the one with the control over zoning and building restrictions. They've had them for some time, as was mentioned in terms of building restrictions.

Mr Grandmaître: No. Apartments in homes are a provincial matter.

Mr Johnston: No. I wasn't meaning specifically the apartments. What I was saying is that on the other questions you're asking about zoning and things like that, there have been approaches over the last number of years on this issue.

I guess my big problem with throwing up too many roadblocks in terms of being able to do anything right at the moment is that people have been living there for over 100 years. The floodplain concerns, which I know are obsessions of some, are not mine and I don't think they are of people who've lived on the islands for the last 40 years. They've been through a lot of wet times and they expect that to be part of their living over there. My sense is that those matters can be dealt with if there's goodwill.

One of the big problems throughout on this has been that there's been no goodwill, so no one has been allowed to get a building permit to improve their homes until recent times. If you want me to bring the court cases before you of people who've tried to build and not been given it, I'll be happy to do so.

It's always difficult dealing with shaking heads, because they don't get on to the record as well. I just say there's been a lack of goodwill and cooperation in the past. If that changes, then I think any of those problems you're raising can be dealt with. If it doesn't, that could be problematic over the next number of months and years.

That's partially why the tradeoff for Metro of providing other land was, I thought, a very important component here so that Metro as well could be seen to be not losing parkland, not losing land that it valued, but rather saying it came out with something as well, to try to build some trust and desire to cooperate.

Mr Grandmaître: One last question: You were talking about the deplorable conditions that these people had to live under. This is something I could never understand. I remember, when I was Minister of Municipal Affairs, my first responsibility three days after I was sworn in, was to walk the islands. That was a great trip for me. Being from Ottawa, I had never visited the islands and I do agree with you that some of the conditions these people were enduring may not be seen close to Toronto or inside Toronto. How come municipal-provincial governments allowed these conditions to persist?

Mr Johnston: There's been essentially a 30-year war going on here. During that process, the political will has been shifting all over the place from people who wanted only parkland to some sort of accommodation to full ownership etc. As that changed, then the battles became unclear as to who was friend and who was foe. Various levels of government, I think, were more or less cooperative. I think it was a problematic thing.

On the other hand, in spite of that, most of the homes have been maintained. How they did it without building permits I'll never know.

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Mr Grandmaître: When you say "maintained," Richard, do you mean that every building on those two islands respects the building code?

Mr Johnston: No, I didn't mean that. I'm just saying that many have been brought up to what would be a very acceptable standard. There's always been a notion of the city that the standard could be different on the island than it would be elsewhere.

Certainly, height control and other kinds of things would be more substantive on the island than they would be elsewhere because this is cottage stock. You'll never get a monster home on the island. That's not one of the possibilities. It would sink through the sand if you tried it, I presume. We should maybe try that elsewhere. I'm not sure of this.

I think they will have to have a separate standard, but there's going to have to be a much clearer standard, and at that point the expectation of building being done and building permits being issued etc, will start to happen, unlike what we've seen over the last 10 or 15 years.

Ms Anne Swarbrick (Scarborough West): I have three or four questions, Richard. First, with regard to the issue of the ownership of the homes, I know that was quite contentious when we had the debate in the Legislature. Mr Stockwell was pointing out that the courts had rendered a decision that the homes were owned by Metro and—

Mr Stockwell: The land.

Ms Swarbrick: No, the homes is what you were talking about.

Mr Johnston: Homes as well.

Ms Swarbrick: The homes is what you were challenging on in the Legislature.

Mr Stockwell: Okay. Go ahead.

Ms Swarbrick: Yet, of course, the islanders are very clear that they own their homes, that they paid for the construction of their homes and the maintenance of their homes, the upkeep of them. Would you comment and clarify that, please?

Mr Johnston: I think the courts have ruled clearly in the past under past legislative context that the homes, property and housing, were not owned by the individuals. Most of those court cases have been lost, it's true.

Now, the islanders, on the other hand, have believed exactly what you say, from time immemorial, and gradually all three political parties at the provincial side of things accepted the notion that they should be seen to own their houses. Whether it was Mike Harris, Bob Rae or David Peterson, they all, by 1990, had accepted the notion that this was one of the principal problems within the Swadron solution, and that the acceptance of their right to own their structures—which one can argue was so accepted back in the 1950s that compensation was paid when houses were moved or torn down—should now be accepted again. But I think, during that period when laws changed, the courts certainly did rule regularly against the islanders.

Ms Swarbrick: Is there an understandable rationale as to why the courts ruled one way when in fact the islanders themselves did pay for their homes and paid for their upkeep?

Mr Johnston: Sure. If you go back in law—and I'm not a lawyer—and you look at the annual leases that were

the trend as the tent city on Ward's, for instance, started to move towards being full cottages, there is a real question about whether or not any structure belongs to anybody at all and that was a matter of dispute.

When you've been there for 40 years, you built it yourself, paid for it and renovated it in spite of all the difficulties of getting materials across the water etc, then I think you increasingly say: "This is mine. This is my home. I should be treated like anybody else." Island residents, for a long, long time, have believed that and I concur. I think the three parties concurred that it was unjust that they should not be seen to at least own their residences.

Ms Swarbrick: Are you saying that the rationale as to why all three parties have concluded over time that they own their residences, is based on the fact that they paid for the construction of them, paid for the upkeep, renovated them?

Mr Johnston: I imagine it's even more complicated than that. I mean that if you want a community to last there, Anne, I'm not sure how you can have it last and not slip and degrade without people having a sense of ownership, whether that's co-op ownership or whether it's individual ownership. I think it would be highly problematic if you did not confer the structure of buildings as owned by those individuals. I just don't think that would work. I think it is very wise to say that you own your structure.

The trouble with a Perlin-West solution or some of the other solutions is that you can mix the fact that you own your house with the fact that there was high value for the location of the public property you're sitting on; that was the problem as I saw the other formulas. But in terms of the actual integrity of the community, unless you say that somebody owns the buildings that they paid for and renovated, I think you're denying something to these individuals that we would never deny to others who have developed their homes, in that kind of fashion over there, in other places.

Ms Swarbrick: In terms of the issue of the appropriateness of the cost when it's, for instance, presented as \$1 a day, just in trying to be clear on the rationale for that, my understanding is that the first rationale is that we're talking there of the cost of the land lease only, not of course of the houses, which we just dealt with.

Secondly, there are clear constraints on what people are entitled to do with their property, which you've touched on, but I wonder if you could just be a little more clear in terms of what those exact constraints are.

Thirdly, I think it's also fair to consider that in the rest of the world, none of us usually pays our mortgages off over a 99-year period, which is what those figures are based on. We usually pay them off more on a 25- or 30-year period. Of course then, if you were to take the value of my house and spread it over 99 years, it would mean far less that I'm paying per day than if I'm paying it off over 25 or 30 years. Could you just comment on those?

Mr Johnston: That was the essential principle in that you're trying to provide a means of providing capital, capitalized lease. You provide the capital for the whole thing up front rather than paying on a monthly basis. There are

all sorts of formulas you can look at to show the relative merits in going each way in terms of the income to the land owner. In my view, the major positive in favour of doing a capitalized lease is that you can pay to the public institution the money that it needs up front and, in this case, try to remedy some of the out-of-pocket expenses that the city of Toronto has had over such a long period of time.

If you did it on an annualized basis, then you'd have to do what in fact the city of Toronto council voted to do in the middle of my report, which you may recall. They wanted to move towards an approach which would actually have a monthly lease, right? That monthly lease at market value would have been \$1,700 a month, which would have economically evicted a huge number of people on the island automatically and turned it into the upscale, yuppie enclave that Mr Stockwell believes it is right at the moment.

That, I think, would have been a major mistake. The advantage of doing the capitalized thing up front is that the city actually gets its money right up front. There's no more question about it being out of pocket or whatever, and that's why that route was proposed by Perlin-West. It's used in many other major public transactions around the use of public lands.

In terms of the constraints, you can pass your home on to your children as a right of ownership, and to a spouse, but you cannot sell it. If you sell it, you have to tell the trust that your home is up for sale, and it will sell it. They will do it on the basis of its value as a structure, which will essentially mean they take its depreciated value on the one hand, any improvements that have been done, and the reconstruction cost of that home would essentially be the figure that would be used for the formula afterwards. Nancy will go into some of the detail on that if you wish it, but that was the concept. By so doing, you've really essentially limited the cost of your housing to the inflationary rate on the cost of construction materials; that's essentially what you do in terms of that formulation.

Ms Swarbrick: As you've commented before, you're removing the idea of windfall profit that many of us have engaged in throughout Metro Toronto over the last number of years in the marketplace.

Mr Johnston: Absolutely.

Ms Swarbrick: The next question I have is with regard to the references that have been made in terms of the cost, as to whether in fact Metro has paid greater cost per resident on the island than it pays per resident for services in the rest of Metro. I'd like you to comment on that, first in terms of, have island residents all paid their property taxes and income taxes in the same way that the rest of us have or have they not?—I think it's important to get that clear—and second, with regard to the services they've received for the taxes they've paid. Could you comment a little further on that?

For instance, I understand that whereas many of us throughout Metro enjoy tax-constructed, tax-paid-for, government-constructed community centres, the islanders have built and paid for their own community centre. You've commented already that there are no roads on the island, and of course along with that, I assume, as we understand, is the fact that the islanders don't pollute the air by the use of automobiles. You've referred to no medical services. There is some allusion made to garbage, and I'm not sure whether there is government-provided garbage collection or not. I wonder if you could comment more about the kinds of services they receive at the taxpayer's expense compared to what the rest of us do.

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Mr Johnston: I, of course, do not know who has paid income tax and who hasn't, except I know Bernard paid his. Other than that, for the rest of you, I have no idea, so I can't comment on the income tax. They have the same legal responsibility to pay as any other citizen in the country and can be hounded by Revenue Canada in exactly the same way as the rest of us can be.

On property tax, the same expectation is there that the property taxes should be paid. There may be people in arrears, as there are other people in arrears around Metro these days, probably more and more in the recession, but there's an expectation that their property taxes shall be paid. The person who is the assumed owner on the rolls of the city of Toronto at this point is expected to pay the taxes, as is any other person.

Ms Swarbrick: Has there ever been any boycott of property taxes by the islanders?

Mr Johnston: Not that I know of, no.

Ms Swarbrick: Thank you.

Mr Johnston: In terms of services, I think it's clear that they do not have the same kinds of services we'd expect. I mean, it's as basic a thing as the ferry. The rest of us have access, if we wish it, to other forms of transportation than the TTC. God forbid that we'd use them, but that is possible. If you're not going to swim across, you basically are bound by the ferry, which means that if at 11:15 at night you have missed the last ferry across, you have missed the last ferry across. You talk about this idyllic situation. I talked to some teens over there who didn't think it was so darned great that they couldn't go to the late show at the movies and they had to always go to the early show because they could never make the ferry back. So it's just a basic thing like that which leaves you fairly stranded in a lot of ways.

There is a taxi service that you can try to avail yourself of, there is a capacity to get ambulance care across and police across to the island, of course, but they are not resident there. You don't have the normal kinds of supports that the rest of us would expect in terms of emergency needs for heart patients and others. So those kinds of things are not present. The kinds of support services that we'd expect now in terms of in-house care to the elderly is also something that is not very easy to provide over there, and so the community has actually sort of provided those things itself. As you say, it not only looked after its own clubhouses; it rebuilt its major clubhouse after it was burned down. They've taken huge responsibility for their own areas.

The reason I raised the garbage thing is that when I was over there, a number of people wanted to see if they could make their community the first garbage-free community in the province and to actually take control over that. They have had restricted garbage pickup for some time, and unlike certain parts of Toronto where you find garbagemen walking down your back alley to pick it up at the back of your house nice and discreetly, this community has certainly not had that kind of service in the past.

In terms of other kinds of things, I think you've got to recognize that rather than the TTC fare, they're paying—or they were paying; I don't know what the new rate is over there—\$2.50 a ticket to go on the ferry, and then they pay for the TTC on top of that. Of course, since they're carless, the vast majority of them have to use it. So they're hit doubly, if I can put it that way, for their basic elementary costs. Of course, in the formulas that we've seen before from the city, they are also expected to pick up \$1 million of deficit on the TTC, and that, it seemed to me, was an inappropriate approach.

So I think that by any measure, they don't have the same kind of service that the rest of the community expects, and, frankly, they should never expect to have it. Somebody who's lusting after a spot on the islands, like Steve Offer or someone else from Mississauga might be doing, should think very seriously before they do it—

Mr Steven Offer (Mississauga North): He always took it as a joke.

Mr Johnston: —because you go without a lot of things. In fact, there's not even a general store on the island if you run out of milk these days.

Ms Swarbrick: My final question is that Mr Stockwell, in his opening comments, made some reference to—is it a comparison of other people in society living in dumps and yet paying \$650 a month? Of course, I don't think that's the responsibility of the islanders, although I do think it's a collective responsibility that we all share in our society.

I'm wondering, though. The concept that you've applied to the island of the land trust idea strikes me as one with tremendous potential that we should in fact be considering as a way to help reduce housing costs in other parts of Ontario. I understand there is a movement behind that, with some degree of success throughout the United States, beginning in Canada. I'm wondering if you can comment about the concept of the land trust in terms of whether you would see its use on the Toronto Island as a model, a pilot, that in fact should then be considered for other application in the province of Ontario.

Mr Johnston: I think it's a variable of what might be looked at, but I think, because there's an existing community there with an existing mix of people of different incomes, that it's a different matter than trying to build a whole new community. So if you had existing public land with people living on it at this stage and some vague knowledge, a sense of their ownership, you might look at it. But I was looking at Seaton, as I know some people used to do; I don't know if they still do around here. I would think that some version of land trusts interspersed in that larger development would be an interesting way to get

people limited equity ownership who would never otherwise be able to acquire a home, and it might be an interesting alternative to a straight sort of co-op versus the free house-owning kinds of approaches. I think that could have a major impact on helping to stabilize house prices if you did it in an effective kind of way.

That being said, other than the sort of tantalizing notions of that, I'm not an expert on those kind of matters. I'm not sure what could be some of the downsides of that formula. But it certainly struck me as being an interesting experiment to look at for other purposes and other kinds of developments across the province.

Mr John Sola (Mississauga East): Richard, once again you're very eloquent in your presentation. You certainly are a good salesman for your product, but I'd like to put up a few questions.

You stated that the retirees were putting up with winter conditions, and I think you answered part of the question that I'm going to raise when Ben raised it. I'm going to ask the question about housing standards. You stated that they weren't all up to provincial standards, but I'd like to know what percentage are and whether they adhere to the building code, to the safety standards, the fire code and all those other protections that we have for the public at large.

Mr Johnston: I'd have to look more carefully at Atlin. He looked at this a fair amount, as have other assessments. My sense is, a significant proportion of the homes are not up to standard and would have to be raised to standard, and there are a few that have been surreptitiously raised well past standard over the last number of years when building permits were so hard to get.

My presumption in my report and, I think, in the legislation, if I think clearly about it, is that in fact homes must be brought up to standard. I presume they'll expect that to be done within a certain time period and that part of the cost for people is not just acquiring of mortgage to pick up their capitalized land lease, but in fact will be an extra. I think the average was \$20,000 that Atlin talked about during his time for many of the houses that need upgrading. So some people who need that whole mortgage will probably have to go for, say, a \$60,000 mortgage in order to be able to bring up to grade within an appropriate length of time for the city of Toronto and then pick up their capitalized lease. I'm sorry, I don't have off the top of my head the numbers, but it is a significant number that this would apply to.

Mr Sola: The reason I asked the question is I can recall in years past reading about stories where certain people had built either additions to their property or built brand-new buildings without building permits and living up to all the latest standards of the province, and yet they were forced to tear down these buildings or these additions. I'm wondering how fair is it that on the one hand people who disobeyed the law are forced to tear whatever they did down, and on the other hand people can be allowed to transgress the law and then retrofit their homes to adhere to the law even though they've lost countless court cases. I'm just wondering whether your solution actually

states that the people of the island are somehow above the law.

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Mr Johnston: I hope not. I think they've definitely been confronting the law pretty substantially over the last 15 to 20 years. I mean, of course they have. That's what the battle's been about. It's been a philosophical battle around rights of ownership on public lands. That's just what this is all about, so we shouldn't be surprised that there have been a number of interesting tactical battles go on.

But I would say to you that many islanders have had their homes pulled down, some of them because of what were seen to be infractions of the building code, others just because people wanted the buildings out of the way and, as soon as Metro could, it would go in and tear down a building. They were under the threat of homes disappearing all the time. That's why there was the standoff at the bridge when the sheriff's office came. That's what it was all about. So they've had the fear of losing their homes and living on the edge with no certainty that they'd ever get anything back.

I'd remind you that from the mid-1960s on there was no compensation. Anybody who did a repair did it with the total knowledge that tomorrow morning the Legislature and the Metro council and the city council together could just come in and plow the whole place under, which you and I don't expect, my home in the Beaches or yours in Mississauga. They've had that weighing over their heads and people have taken a total risk on this in the past.

Some of the people who've done renovation, I think, once they become sort of legal home owners, are going to have to do some major changes to their homes. That's going to be an expectation, as city hall goes out and tries to say to you, "Sorry, but the stuff you've done surreptitiously over the last number of years just because you didn't want your house to fall down and you had to do something is not good enough and you're going to have to do other things," and that's going to cause an extra burden to those people who've not been using the latest kinds of approaches or have not brought in the proper kinds of structural supports or whatever it may be in their homes. But they've been in an outlaw kind of position over the last decade—more; two decades—since they've been fighting to get official recognitions for their right to home ownership and some protection for their community.

By 1990, all parties at this level had agreed to that, the city of Toronto seemed to have agreed to that, and it was only Metro which as a municipal government was not accepting that notion. If we're moving away from that, then that's another issue. And politics moves; that's one of the realities of it. But if that notion is still accepted, once this law is passed, then they're going to conform like all other people. But at least they'll be home owners and have something to hold on to, because at the moment they have nothing to hold on to. Their place can be taken from them.

Mr Sola: As far as that comment that politics moves is concerned, I'd like to point out—and I don't think I have to—the fact that David Peterson signed that letter. He

subsequently lost the election. I don't think that letter was much of an ingredient in the loss.

Mr Johnston: I never understood it myself.

Mr Sola: Therefore I think the voters may have disagreed with some of the stands that he took and this may have been one of them.

But I would like to make another comment, one that bothers me, about the fact that the city of Toronto passed a motion refusing the mayor to speak with you. I think that is a disturbing notion in a democracy. No matter how far apart we may be in our points of view, the only way you're ever going to solve a problem, unless you use some of the models that are being used elsewhere right now, is through dialogue.

Mr Johnston: I thought it was unfortunate, because I thought they'd come pretty close to the solution on Perlin-West. I really thought that they had, and that if we'd just done some work on that we could have come up with something and they could have taken ownership of it. I think it would've been another very suitable approach.

But the emotions on this issue, John, are very profound on both sides. There have been people who've been feeling harassed as local politicians on this issue for 20-some years, and they hate this issue. They hate seeing the islanders before them again for some other non-conforming uses, I'm sorry to say, as they see it.

I think my coming in from the provincial side of things was seen to be one of those bullying tactics from the senior level that you try to steer away from, but it was felt to be the only way to get this thing solved in the end. I regretted it, but I must say the mayor's office was very good with me, as much as it could be. After the decision was made, they met with me on a regular basis, as did other members of council, to see if we could come up with a means of Toronto becoming a landlord, and it just didn't work out.

Mr Sola: I'd just like one more question.

The Chair: Really quickly. We have one more presenter yet.

Mr Sola: Do you think this agreement can serve as a model for other communities? I've got one in my own riding I'd like to point out. It's called Cedar Grove. It's a mobile home park. As a matter of fact, the description you gave may be practically a carbon copy of the community I'm talking about: 250 homes, around 750 people, mostly low-income and retirees, some of whom have been there for ages, since they took shelter there from Hurricane Hazel, and others who bought into the park just a couple of weeks prior to the announcement that it was being sold to a developer for redevelopment.

The developer is being portrayed as being some sort of ogre, but actually, when you look at it, the developer was straightforward in giving them two years' notice, when he could have waited until he got all the permits to build.

These people are desperate. They don't have the wherewithal to transfer anyplace else. Most of their homes are substandard if applied to provincial standards elsewhere, but because they're mobile—and many of them have been fastened to where they are so that they're no longer mobile.

I'm wondering whether this could serve as a model. If it can't, how do we justify giving a special deal to the islanders and telling the people of Cedar Grove that they have to live with the changing times?

Mr Johnston: Trying to be consistent is always one of the most difficult things for politicians, I always found. So I'm not sure how you guarantee there's consistency.

My sense is that versions of what I did could apply there. I've actually seen some other models proposed by some non-profit groups for acquisition of private lands, as would be the case there, in a sort of co-op ownership model but with individual equity. I liked what I heard from them as well.

Personally speaking—I'm not speaking on behalf of the government at all; I'm here as a consultant—I would say I like the notion that groups of tenants or residents of the kind you're talking about should always be given a shot at trying to assume control rather than be displaced for reasons of development, wherever possible. I personally value community as a major ethical asset of our society; therefore, every way you can try to do that would be a useful thing to do, whether it's private or public land.

But I don't know enough about your community. My precise solution for the islanders may not be the right one for a mobile community base. It might be that there's some other format. But the principle, I think, should apply that people should have a chance to protect their communities wherever possible.

The Chair: Mr Stockwell?

Mr Stockwell: No. I'd just like to thank Mr Johnston for coming forward and giving us some insight. I get the impression that you know you've died and gone to socialist heaven when a committee meets on the Toronto Islands and the government expert witness is Richard Johnston. But I'd like to thank him for the insight.

Mr Johnston: That's my version of what happened too.

The Chair: Thank you, Richard; don't go away. Mr Mills.

Mr Mills: I'd like to now call on Nancy Bardecki, the director of the municipal finance branch at the Ministry of Municipal Affairs. She will give some details on the financial and technical aspects of this legislation.

Mr Rosario Marchese (Fort York): Can I recommend that we go to 12:15 so we don't feel pressed by the time constraints and staff can do a proper profile of the issue and questions can be asked?

The Chair: Well, we will go till the presentation is finished. I'm sure most members will be able to stay.

Mr Grandmaître: A 15-minute presentation?

The Chair: Yes. I allowed quite a bit of latitude with Mr Johnston because I thought the committee was interested. It's very difficult to keep these things precisely to the time allocated, and I think this is an important presentation.

Mr Stockwell: This is the explanation of—

Mr Mills: Right.

Mr Stockwell: Better give her about three days. **The Chair:** You may commence.

1150

NANCY BARDECKI

Mrs Nancy Bardecki: I will try to be quick. What I would like to do is outline for you the process which followed the receipt of Mr Johnston's report, as well as explain some of the technical aspects of the bill.

Mr Johnston, in his proposals to the minister, achieved a number of important policy goals. I'll review these for you, although Mr Johnston has done a very good job of outlining many of them.

The residential community would be maintained; no resident would have to leave the island because of insufficient income; the homes would be transferred to those who were found to have appropriate documentation; the residential lands would remain in public ownership; the island homes would be affordable for a mixed-income community now and in the future; the island residents would not make windfall profits from public assets; the city of Toronto would receive fair compensation for expenses it incurred over the years; Metro parkland, to which all citizens of Metro and Ontario and visitors have access, would not be diminished; and there wouldn't be costs to the taxpayers.

Following the receipt of Mr Johnston's report, staff met with officials from the city and Metro as well as the islanders to get their reaction to the report and to identify any factors that didn't come to light in Mr Johnston's report so that we could alert cabinet to these. Then it did go on to cabinet, of course, and as Mr Johnston reported, it was a very delicate balance he had achieved in order to meet all those policy goals at once. It's a very difficult thing to achieve.

Because of this, cabinet chose not to make major changes because, as Mr Johnston pointed out, if you pull one part away, then you sometimes lose some of the other things you were trying to achieve. So the changes that were made were done only after taking very careful consideration of the impact of these changes on all those other policy goals the government was trying to achieve. We did consult with Mr Johnston and the other stakeholders involved to help us in assessing the impact of those changes.

The key policy change made by the cabinet and government towards Mr Johnston's report was that the residential lands were transferred to the province rather than remaining in the hands of Metro. This was mainly because Metro did not wish to remain the land owner or landlord if it couldn't control the stewardship of the lands: concern about liability and other issues.

Also, the prices of individual land leases increased from \$30,000 and \$40,000 on Ward's and Algonquin islands respectively to \$36,000 and \$46,000. These increases were required to provide additional revenue to the community trust to assure its financial viability, to increase the revenue for the city of Toronto, as it wasn't getting as much compensation in other ways under the new arrangement, and to provide some revenue to the province, which would now be having to take over responsibilities as landlord.

In considering the increases, care was taken to select a price that would not impose too great a financial burden on residents or on a co-op trying to develop new co-op housing.

The final major change was the division of proceeds from the sale of land leases. Under the proposed regulation—this isn't in the bill, but it is part of the policy—it will be 60% to the province and 40% to the vendor, rather than 20% to Metro as the land owner, as it isn't going to be the land owner any more, 60% to the vendor and 20% to the community trust. The community trust will now be able to take a fee for service on the sale of homes instead of receiving a share of the proceeds, and the division I just outlined will provide greater revenues to the province to help it carry out its responsibilities as landlord of the lands.

Just to refresh your memory on the legislative process, the minister announced the government's intent to pass legislation on November 27, 1991. Initial consultation then took place with the islanders, the city and Metro on a proposed bill. Bill 171 was introduced for first reading on December 19, 1991.

Following the introduction of the bill, a number of technical concerns were raised by various stakeholders: the islanders, the city of Toronto and Metro. We had to take account of these technical concerns, and it was discovered that they were certainly legitimate and worthwhile concerns to take into account. Mr Mills has already outlined for you the main policy change between the first first-reading bill and the second first-reading bill that contained mostly technical changes. The policy idea is still in place.

Anyway, now I would like to get on to some of the technical aspects of the bill and explain how the important policy goals that I outlined initially are achieved through this bill.

First of all, the residential community being maintained: This is done by the transfer of residential lands to the province under subsections 2(1) and 2(2) of the bill. The establishment of a community trust to manage the lands is established under section 11 of the bill. The 99-year lease of the lands by the province to the trust under section 16 of the bill and the subsequent leasing of individual lots to residents under sections 17 and 19 of the bill will provide stability to the community. The viability of the community is enhanced by the provisions for additional housing under section 19 of the bill. The requirement of the municipalities involved—that's Metro and the city of Toronto—to maintain services to the community at today's level, except where levels increase or decrease throughout the whole of those municipalities, is outlined in section 5 of the bill.

With regard to the goal that no resident would have to leave the island due to financial circumstances, this is achieved by the reasonable price for the land leases under subsections 17(3) and 17(4) of the bill. Incidentally, these reasonable prices take into account the restrictions on resale.

Loan guarantees for existing residents to compensate for the fact that the security available to lenders isn't the security available for conventional mortgages: It will take lenders some getting used to, to become comfortable with the type of lending that will be required for a land-lease property. Those loan guarantees are provided for under

section 18 of the bill. Also, to ensure that there are no economic evictions, so to speak, there will be a 25% deferral on the price of an initial land lease for needy seniors. That's outlined in subsection 17(4) of the bill. Finally, provisions for the establishment of a co-op for those who can't afford or do not wish home ownership is outlined in section 19 of your bill. By the way, this co-op will work under the same programs and legislation and have the same accountability arrangements as other co-ops in the province of Ontario.

With regard to the goal that structures would be transferred by the minister to those who were found to be entitled—that's under subsections 7(2) and 8(4) of the bill—a commissioner will be appointed by the Lieutenant Governor in Council to make recommendations to the minister on who is entitled to ownership. That's under subsections 7(3) and 8(1) of your act.

In order to ensure that the island homes will remain affordable for a mixed-income community, as I mentioned earlier, there is provision for a co-op under section 19 of the bill and there is stringent control on the sale price of the structures and the land leases. This is found in section 17 of the bill, section 19 of the bill and sections 22 and 23 of the bill.

1200

Island residents won't make windfall profits from public assets, another important policy goal. Mr Johnston has explained the process that has been put in place to ensure that won't happen. It's quite an elaborate process. The prices for the structures and the prices for the land leases will be defined in the regulations, and the regulation-setting authority is set out in sections 17 and 19 and 22 and 23 of the act. Since the prices defined in the regulation may be below what market level would be in the absence of strict controls on the resale price, a mechanism to ensure that this occurs in a fair manner is necessary. This is done by having all sales take place through the community trust. Again, that's defined in sections 17, 19, 21, 22 and 23 of the act.

The community trust must sell the homes to individuals on an established list. That's the line in section 25 of the bill. This list will be some variant of first come, first served. In addition to helping to ensure that there are no windfall profits from public assets, this process of sale procedures helps to give all members of the mainland public a fair chance at becoming island residents.

It was mentioned earlier by Mr Johnston and Mr Mills that I would explain the formulae which are not in the bill but which will be in the regulation. I believe you all have a copy of the draft regulation.

First of all, talking about the land lease, the initial land lease price for Ward's Island—we'll take that example—is \$36,000. If, in the fifth year, say, this land lease was sold—along with the structure, but we're just dealing with the land lease price now—we would escalate or adjust the value of the lease by the rate of inflation. Then we would look at the remaining book value of the lease, and keep in mind that the book value of the lease declines every year, because it's a 99-year lease and every year we get one year closer to the time the lease will be over, so we have to

adjust the book value of the lease to take account of that fact.

The vendor gets 40% of the new lease price plus 60% of the remaining book value of the lease. What the province receives as the landlord is the new land lease price minus what the vendor gets. In the fifth year, if we had an inflation rate of 5%, the new land lease price adjusted for the inflation would be up to \$40,517 from the initial \$36,000. The remaining book value then would be \$34,545, to take account of the fact that five years of the 99-year lease period has expired. The vendor's share would be \$36,934 and the province's share would be the difference between the \$40,517 I just outlined and the \$36,934.

In terms of the structure, there is also a definition in the regulation of how the price of the structure is to be determined. What is done there is that the house is appraised. This is done by an official appraisal method—I think the regulation will probably specify that it's the observed condition breakdown method of appraisal—and this will be done by a qualified appraiser. In addition to the appraised value of the house, there will be an equity factor added, and this equity factor is to take account of the fact that over history, real estate markets have been such that the inflation of real estate has been greater than general inflation.

This equity factor isn't anywhere close to what the historical experience has been in terms of the amount by which real estate inflation has exceeded general inflation, but anyway, this is to partially compensate the people on the islands for the fact that they aren't able to participate in real estate capital gains the way people who own homes on the mainland are able to do.

The Chair: Ms Bardecki, if I could interrupt for a moment, it's been indicated to me that some members, especially on the government side, have a commitment at noon. Is your presentation to take much longer?

Mrs Bardecki: I can make it very quick. Another five minutes should handle it.

The Chair: Is that suitable?

Ms Swarbrick: It's just that the government caucus has a memorial for Margery Ward; that's why.

The Chair: I wasn't aware of that.

Mr Marchese: I think 10 minutes we can handle.

Mrs Bardecki: I'll quickly explain the equity factor. It's 1.5% of last year's appraised value plus last year's equity factor, which is plus 3% of last year's equity factor. It works out to approximately 1.5%; it's just slightly larger. As I say, that's to account for the fact that people on the islands aren't able to participate in real estate capital gains as home owners on the mainland are. We believe the special price formula and the community trust will avoid any windfall profits by island residents on publicly owned lands.

While we're talking about prices and profits and so on, and gains from publicly owned lands, I'd just like to outline for you some of the costs the islanders can expect to pay for their shelter.

First of all, someone on Ward's Island will have to amortize the cost of their lease purchase. If we take a

25-year amortization, that will be about \$330 monthly. The cost of upgrading the structures to fire code: As we discussed earlier, these structures are going to have to be brought up to fire code or, as Mr Johnston outlined, some people have paid fairly high prices for these structures, up to \$140,000 in some cases, I've heard. But let's take a figure of about \$50,000, either for the initial purchase price or the upgrade that people may have to do to bring their homes up to fire code. Amortizing a \$50,000 figure over 25 years would add another \$447 to the monthly cost for shelter of island residents. That will be about \$777 a month altogether, and residents will continue to have to pay property taxes just like every other home owner does in Ontario.

Mr David Turnbull (York Mills): Can I ask how much that will be, approximately, on the island?

Mrs Bardecki: I'm sorry I can't tell you what the average property tax bill is. Some island residents, perhaps, would be prepared to share what their property tax bill is with you. I'm afraid I don't know, though.

They'll have to pay regular sewer, water, heating and hydro charges like the rest of the home owners in Metro do. Another cost they will have, though, is a special sewer and water cost amounting to about \$530 a year to compensate the city of Toronto for the investment it's made in sewer services over to the island.

I should also point out that residents of the island also have higher transportation costs than, say, people on the mainland would do. They have about an extra \$50 a month or possibly even more, depending on how frequently they travel, in ferry costs, in addition to what the rest of us spend on TTC.

Mr Grandmaître: What about seniors on low incomes? How can they afford this?

Mrs Bardecki: They may not be able to, if they don't have sources of income other than government pensions and so on. That is why the co-op was put in place for those who could not possibly afford the types of costs we were talking about there. If you're familiar with the co-op program, there is a rent-geared-to-income portion of that program. We believe that will help those people who simply can't possibly afford the kinds of figures we're talking about for home ownership here.

Mr Grandmaître: How can you form a co-op with a home here and a home there?

The Chair: We will allow questions when we finish.

Mrs Bardecki: That's not the conventional style of co-op, but it is quite possible, and I believe the existing co-op on the island is looking into that.

Anyway, on to the city of Toronto. Another one of our goals is that the city of Toronto would be compensated for the expenses it incurred over the years. It will receive about \$12 million through its share of the sale of land leases. This is outlined in section 17 and section 19 of the bill. There will be the seniors' deferral, as outlined in sections 22 and 23 of the bill, but eventually the city will receive the money.

The city will also receive about \$1 million—the specific amount will be defined in the regulation—for a portion of its initial capital outlay for the sewer and water services via a special sewer and water surcharge levied on islanders over 15 years. This is outlined in subsections 5(3) and 5(4) of the bill. This isn't as much as Toronto has paid to Metro plus interest, or as much as the city of Toronto wanted, but I think we have to recognize that Toronto had the right to recoup the cost of its payments to Metro via charges on the island residents and, for one reason or another, chose not to do so.

Also, with regard to the sewer and water expenditures, the city of Toronto earlier had chosen not to charge established communities for the cost of sewer and water services other than individual hookup. Even paying it the roughly \$1 million is compensation for the fact that the island community is special and perhaps more costly to service in that nature than other communities.

While it isn't addressed in the legislation, I'd just like to remind you that Metro's parkland will not be diminished in that negotiations are under way now for Metro to be receiving some lands presently owned by the province to be used as parkland. Further, I'd like to point out that mainland visitors to the island will still be able to use the public buildings, soccer fields and so on in the residential community lands; and furthermore, these facilities will be maintained by the community trust and the islanders through that trust.

With regard to the fact that taxpayers won't have to shoulder a burden under the proposal outlined in the bill, in fact the province, as land holder, will share in the initial land lease sales and also, as I explained, will receive some of the subsequent land lease prices. We believe this should more than cover the costs of administering the provincial responsibilities outlined in this bill.

The Chair: Thank you. We'll adjourn now and will return at 2 o'clock. I'm sure the ministry will be available, especially through the clause-by-clause, to answer specific questions to the clauses; members will have an opportunity to put relevant questions at that point. Thank you very much for appearing. We're adjourned.

The committee recessed at 1212.

AFTERNOON SITTING

The committee resumed at 1409.

The Chair: This afternoon we will be hearing presentations. Just so everyone's aware of the ground rules, I will indicate how long each presenter has. That will vary from half an hour to 15 minutes, depending on the allocation by the committee. You may make your presentation and then, for members' information, we will ask questions in rotation, and I will allocate the time very carefully.

Mr Mills: I wonder, Mr Chair, before we get to the next presenter, if I can clear up something my friend asked this morning about the official plan. It will just take a minute. You asked, Bernard, whether there will be an official plan prepared for the islands. Over the lunch-hour my assistant spoke with the minister, and he has determined that there is no new official plan required.

Mr Grandmaître: No official plan is-

Mr Mills: No new official plan is required. The official plan coverage is under the city of Toronto already, the Toronto official plan for the areas of the islands where houses are located, so as such, no new official plan will be needed. It's covered.

Mr Grandmaître: Then can we be provided with that part of the official plan of the city of Toronto?

Mr Mills: Sure. I see no reason why not.

Mr Grandmaître: I can't see the city of Toronto having an official plan for the islands, when there's a lack of service, no roads, the area hasn't been surveyed and so on and so forth. Can we have that section of the official plan?

Mr Mills: We'll do our best to provide that.

COHOUSING SOCIETY

The Chair: I would like to welcome Russell Mawby from the co-op housing society. Sir, you have half an hour allocated by the committee; as I mentioned before, the committee appreciates some of that to ask any questions. You may introduce yourself for the purposes of Hansard and begin.

Mr Russell Mawby: Thank you very much. My name is Russell Mawby, as mentioned. I should clarify that the organization I represent is called the CoHousing Society. We're not affiliated with the co-op federation or the Cooperative Housing Association of Ontario. In the course of my presentation I'll describe what we are affiliated with, so I'd like just to begin. First I'd like to thank you for the chance to present to this committee.

I'm here today because I believe the Toronto Islands stewardship act offers an excellent way of dealing with the apparent conflict between housing and parkland on the island. I also wish to point out that while this discussion is specific to what's happening there, it also has great significance for looking at housing and development issues in general, issues that are becoming more and more urgent every day. By looking at how this legislation relates to all of us, I hope to offer this committee a further reason to approve this bill and to institute this important and forward-looking act.

I was asked to speak today because of my involvement with a group called the CoHousing Society. To begin, I'd like to tell you about what we do and what our interest is in the debate about the island homes.

I founded this society in October 1991 to promote cohousing, or collaborative housing, to use a broader term, an idea that is long established in Denmark and now beginning to gain interest here. In short, cohousing involves a group of people getting together to plan, design, develop and manage their own small housing projects. It seems like a simple idea. After all, people have been building their own houses since civilization began. But what is important here is that these people want to do their building within a group.

In many ways the proposed islands land trust is similar to these Danish cohousing groups. The land is held in common, but with provision for private ownership of individual units. Resale and tenure options are decided by the group, as is the physical form of the project.

Cohousing can be as simple as tearing down fences to share a six-lot-long garden, as has already happened in North Toronto, or as complicated as the two groups in the city who want to restore existing buildings to suit their own housing needs. It sounds like a cross between a condo and a co-op, and in many ways it is. The main difference is that collaborative housing groups don't wait for others to build for them. They feel that the best people to initiate and manage a project are the people who are going to live there.

The key to this idea is that a group shares its resources in order that everyone will benefit. It works because of the scale of the enterprise. It is not a faceless "everybody," but one's friends and neighbours that one shares with. At least one group here in Toronto has already built shared office space for themselves, complete with a fax machine and photocopier: things they could not afford to do individually.

As the driving force behind many cohousing communities is to build a better place for children, many projects include spaces that can function as informal day cares. Some projects also include shared kitchen and dining facilities so that the burden of having to work and then come home and feed a family can be shared by a greater group of people. Other shared facilities could include workshops and studios, water and energy conservation systems, and more efficient waste and recycling facilities: things that would be difficult or impossible for single households to take on. The list is limited only by the imagination of the people.

So why are these people willing to tackle zoning bylaws, planning processes and land acquisitions? Because as a society, we don't usually build the kinds of spaces that encourage or even allow the sharing of resources. We don't usually make places that seem like good places to raise children. We don't usually make streets or corridors that encourage friendly, casual contact between neighbours. These things are judged to be not cost-effective or not marketable. It boils down to deciding that if no one else will do it for us, then we'll do it for ourselves.

I think that questions about ownership of private and public land are at the heart of things like collaborative housing and land trusts. Certainly the issue of private ownership of public land is at the heart of this debate, but is not limited to the situation on the islands. We're all living with this dilemma every day.

When you step out of your front door or off your property, you're on public land, land that is supposedly owned by all of us through our town, city, region or province. The problem is that there is an enormous gulf between land that is owned by everybody and land that is owned by me. If the range of ownership is between mine and everybody else's, then there's no immediate connection between me and you. We are finally beginning to recognize the problems created by this wide separation of public and private life, and we're questioning whether we can afford the costs, whether economic or social.

In the past few months, both the Crombie commission and the Sewell commission have presented papers that show us, among other things, that we have to begin to accept that rivers and watersheds flow across property lines. We are finally beginning to realize that all land is public land; it belongs to all of us in the sense that we all have to accept and understand our collective responsibilities for the private ownership of our land. We have to acknowledge that what happens on my neighbour's land directly affects me and vice versa, whether my neighbour be a person, a farm, a town or a region.

I propose that this is the real benefit of land trusts. They make this connection to the immediate community visible and apparent. They establish a level of ownership between private and public. Land trusts let me relate to my immediate community of a few hundred, rather than some idealized community of thousands or millions. Land trusts establish a common ground on which to build the supports and sharing that make communities vital and alive.

Some 25 years of experience in Denmark proves that land trusts do work. Now there is a growing desire in Canada to create the kinds of spaces the Danes have enjoyed all this time. There are more than 500 people across the country, including 15 groups around Toronto, from all walks of life, who have told us they feel the need for this way of living. They want to re-establish the connections they feel have somehow been cut. They still want a place of their own. They just don't want it to be at the cost of being alone, for the good of themselves, their families and the environment as a whole.

Yet on the Toronto Islands, we already have a community that has many of the characteristics that these other groups are working hard to re-create. The very fact that this committee is here today indicates that there is general agreement that the Toronto Islands community is a place worth preserving. One reason the islands are special is that they have not had to suffer the whims of modernist planning that created the sea of suburbs those other commissions are now trying to figure out what to do with. Another reason, of course, is geography. Whatever the ideology or income of any resident, there's one thing they all have in

common, and this is brought home to them every time they step out their front doors.

The Toronto Islands stewardship act recognizes this commonality, this community, both implicitly and explicitly. This act places the responsibility for the land directly in the hands of the community that has to live there. It establishes systems, such as resale to the trust, that remind people that they're only temporary custodians of their property. It recognizes the different needs of individuals within the community by encouraging co-op renters to live side by side with home owners without stigma and without creating specialized enclaves of income or family demographics.

It builds a base for understanding how each individual depends on the support and services of others, one's neighbours, not some nameless, faceless mass. It encourages these residents to continue to help each other work out solutions to their own problems. It will help this community, which has come together in adversity, to continue to work together for the betterment of all.

It is not a private windfall of public land. The speculation that has destroyed most of the prime land around Toronto will not be allowed to destroy this valuable public resource. Something that the Crombie and Sewell commissions made quite clear is that if we are going to tackle the development problems that face us in other parts of this province, we have to find ways to promote a connection to the land itself, not just the appraised value. After all, a community is much greater than the sum of its land values.

This is perhaps the major lesson I think we can learn from the islands land trust. It can show us a way to close the gap between how we live on our own property and how we live in the community. This act is a good first step towards that, and for that reason alone is worth implementing.

The road to Bill 61 has been long and difficult, with many compelling economic and political arguments both for and against the stewardship act. By showing you how and why other people in other places are trying to redefine how they live, I have tried to present some social and perhaps psychological reasons why the islands homes are worth preserving, for their own sake as well as for the sake of others.

In summary, we all know what the problems are in the way we have built our housing and developed our land in the past. Here is an opportunity to try something new, to take an already special place and make it better. Let's not settle for merely making it just the same as all the rest.

1420

Mr Grandmaître: Mr Mawby, I think our party should go on the record that we don't oppose co-op housing or cohousing. We think it's a great way of providing affordable housing to a lot of needy families. But at the present time, I think we are faced with a serious problem when we're dealing with the islands. I was involved in the very first co-op created in Canada in my own riding, so I'm quite familiar with the co-op housing programs.

But now let's talk about the problems that this province, this government is faced with. You mentioned the

John Sewell report or the John Sewell commission. This government is determined to improve the planning of our communities. The province or the government wants to get involved in planning, yet at the same time the minister wants to acquire, through the John Sewell commission, more powers. In other words, if there's a provincial interest in a development, in a project, then the province will declare its provincial interest and it will become the planner. The Toronto Islands will be owned by the government, definitely, absolutely. There will be a provincial interest.

Mr Mawby: Yes.

Mr Grandmaître: This is why we're asking such questions as zoning bylaws, official plans, the floodplain and so on and so forth. Those are our reasons. We're not telling you that we're against co-op housing; far from it. But I think you'll appreciate that the types of questions we are asking today are very important questions because of the Sewell commission and everything else that's going on in the future planning of this province. I just want to make sure that you understand where we come from or where we stand.

Mr Mawby: I do understand and I think the key you've mentioned is community-based development. That's the buzzword that's being floated around. I think that both the Crombie commission and the Sewell commission are fully aware that one way or another, the people who have to live in the developments we build, whether it be the province or the municipality or individuals, should in some way be given a chance to have input.

The Ministry of Housing, for example, in its Consultation Counts paper, has stated that it's trying to foster tenant management of all its non-profit housing projects, if possible, and is now trying to find ways to implement these mechanisms. I don't think the fact that this land is owned by the province takes away from the fact that there are people who have to live there. They should have some input in what happens, and I think for me that's where the benefit and the power of the stewardship act really work. The word "stewardship" to me connotes responsibility on the part of the people who have to live there and the people who own the land, and it's a responsibility to each other as well as society in general.

Mr Grandmaître: Have you made this type of presentation to the federal government? As you know, they want to get out of co-op housing.

Mr Mawby: The CMHC is very aware that there are groups out there, non-profit housing groups and private individuals, who are very interested in pursuing ideas like this.

The Chair: Mr Stockwell or Mr Turnbull. No more questions? Thank you very much for appearing before us today.

CITY OF TORONTO

The Chair: The next presentation will be made by the city of Toronto, by Dennis Perlin, the city solicitor. Good afternoon, gentlemen. Welcome to the committee hearings. You've been allocated one half-hour by the committee to make your presentation. You may commence your presentation.

tation by introducing yourselves for the purposes of our Hansard recording.

Mr Dennis Perlin: Thank you, Mr Chairman, and members of the committee. I'm Dennis Perlin, the city solicitor for the city of Toronto. With me is Ward Earle, who's an articling student in our office and hopefully in a week or so will be called to the bar and join those at the bar.

I believe you have in front of you a copy of the brief from the city. It's about 14 pages long and has two schedules attached, one that has financial data with respect to the position of the city and its argument for compensation and a second schedule that has a summary of the changes city council is suggesting in the bill. I'm not going to read all of the brief, although I will read from a couple of sections because I believe it presents the city's position in the best summary fashion possible.

When Richard Johnston first presented his report, which I understand is the basis for this bill, city council indicated its opposition to the suggestions in the report and to the first versions of the bill. However, city council at its meeting on January 11 last considered this matter again, and having been informed that Bill 61 had been introduced and was being referred to the standing committee, decided that further objection to the general principle of the bill would not be worthwhile.

Rather, city council has taken a position now that if the bill is to proceed, then there are certain matters that city council would wish this committee and the Legislature to consider before passing the bill. The brief therefore shows acceptance of the bill and deals strictly with the concerns that city council believes could be and should be addressed before the bill is finally passed.

There are three areas, which I would break down as technical issues, financial issues and planning issues. There are essentially five technical issues we would ask the committee to turn its mind to, if you would, and address.

The first technical issue we speak to in the brief is that while the avenues and walkways are being leased to the city for 99 years, the necessary rights of way or easements for Toronto Hydro to provide electricity to the residential community is not provided for and we are suggesting an amendment to provide for a 99-year lease of those rights of way required by Toronto Hydro for its purposes.

The second technical point we raised in the brief is a proposal for an amendment that makes clear that even though the avenues and walkways are only being leased to the city for 99 years, as opposed to being transferred to the city, the rights and obligations that go with public highways, we understand, are to fall with the city.

It's the city's belief that the Municipal Act requires ownership of avenues and walkways to permit their dedication to public use and therefore to attach the usual rights and obligations respecting repair, cleanup etc. Therefore we are asking that a provision be included in the bill, as has been the case in other legislation where the city has received leased lands for the purposes of highways, to allow the leased lands to be dedicated and used for public highways even though the ownership is not being given to the city.

The third technical issue relates to the fire service. The bill provides for two areas to be leased to the city. One area is to be leased to the city for the present fire hall and a second area is to be leased to the city for a new fire hall.

The technical point regarding the existing fire hall is that it presently provides that the lease will end 60 days after the fire service begins at the new fire hall. For logistical reasons, the fire department has suggested and city council has now recommended to you that the 60 days be increased to six months in terms of the time needed for a changeover to the new site.

With respect to the site of the new fire hall, there are presently studies under way and I understand you had some discussion on that this morning, related to flooding and erosion issues on the islands, and those studies will likely ultimately determine whether the new area to be leased to the city can be used for the construction of the proposed new fire hall on terms acceptable to the city or not.

Our first point related to this new fire hall site issue is that the site should be prescribed by regulation as opposed to being put in the act. The site could then be changed more easily to another location if it is finally determined after the flooding and erosion studies are complete that a new location is necessary.

The second point with respect to the new fire hall site is that the present bill only provides a three-year window from the time the bill is passed for the city to build and occupy the new fire hall; otherwise, the lands proposed for the new fire hall are immediately leased to the island trust.

The city's suggestion is that the time frame be extended to five years as we believe it is likely to take at least another year or so before the final determination on the matters related to flooding can be resolved such that the city knows it can or can't proceed on the present proposed site for the new fire hall. If that site has to change, then it would take two years or so for the necessary budgetary and planning approvals to be obtained. Then it may take a year or so for final design, tendering and construction, so while even five years may be close, we believe that five years is more realistic than three.

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Those are the technical issues we wanted to deal with. The next area is—I'm sorry; there are a couple of more technical issues related to the level of municipal services.

The fourth technical area in dealing with the level of municipal services deals with the need for clarification in the bill that as the life of the new trust begins, the level of municipal services to be provided to the community is that level of service which is being provided to the islands themselves, not the level of municipal services that may be provided elsewhere in the city or Metro. I understand that was the intended meaning of the present subsection 5(1) of the bill, but it can be read in two ways and we are seeking clarification that the services to the islands themselves are to be at the levels they were in 1992, and that this is the starting point for the future provision of municipal services to the community once the bill passes. In the brief, you'll see an example I gave with respect to the fire service that makes it different there than other communities in the city.

The second issue that we believe needs clarification is what happens where service levels increase or decrease in the city or Metro. We are asking for clarification in the bill that where there is an increase or decrease in the level of service for the rest of the city for city services, and in the case of Metro for Metro services, then such increase or decrease, as the case may be and as appropriate, should apply to the island community as well.

For example, in Toronto on April 5, garbage collection, which in 1992, the date for the bill, was twice a week, will decrease to once-a-week collection, and that should be the level of service that should be provided to the islands as is the case with other communities in the city.

The fifth technical point relates to the sewer and water local improvement type charges. In the early 1980s, the city installed a sanitary sewer system and an upgraded water system to the Toronto Islands and under the present legislation, which is to be replaced by Bill 61, the islanders were to pay basically on a local improvement basis for the capital cost of that new sewer and water infrastructure.

Because leases were never finalized between the city and the islanders, the repayment of the capital debt for the new sewer and water infrastructure by the islanders never took place. Bill 61 recognizes that and provides that there is to be repayment, but that payment is not to be the be-all and end-all for sewer and water payments on the islands. People there are still expected to pay their normal water bills for normal day-to-day water consumption and water service and their normal sewer surcharge bills for the usual sewage treatment and collection services, sewer impost and sewer hookups for new buildings.

I'm told that everyone understands that, but there is a need to clarify that by changing subsection 5(5) of the bill to ensure that despite the collection of part of the outstanding sewer and water capital debt, the normal water rates, sewer surcharge, sewer impost and new sewer connection charges will still be chargeable and collectible.

The other technical point relates to ensuring that the annual capital payments for sewer and water charges or local improvement charges are indeed paid. The present method within the city for the collection of local improvement charges is that they are put on the tax bill and can be collected in the same manner as taxes if they go unpaid. There's no such mechanism in Bill 61. I'm told that it would be a difficult mechanism to use on the islands and so our suggestion is that subsection 22(11) be used to ensure that where at the time of the sale of any house there is an outstanding sewer and water local improvement charge, that amount would have to be repaid at the time of such resale before the proceeds of the resale are given to the house seller by the trust.

Those complete the technical points I wanted to raise with the committee. Let me turn now to the financial issues.

There are three financial issues that the city wishes to raise with the government and with this committee. The city believes that these issues must be addressed if there is a sense of fairness in terms of dealing with the past and moving on to the future.

It's important to remember the origin of Bill 61. It comes out of a need that was accepted by all political

parties in the province and proffered by the city and by the islanders that the 1980 legislation, the existing legislation, was not the answer, was not fair, was not complete.

I have in my file back at the office letters from the leaders of all three political parties indicating their commitment, particularly to the islanders, that changes would be made in the 1980 legislation, and those commitments came through the 1980s and were the primary reason, in my opinion, having been personally involved in some of the discussions, why the city and islanders were not able to reach any agreed-upon lease agreement to 2005 under the existing legislation, because there was continuously an indication from those at Queen's Park that the 1980 legislation would be changed.

Why did it need change and how should it change? Mr Johnston was commissioned to look at that issue, and he produced a report in which he put forward the mistakes of the past, as he saw them, and how to deal with them.

One of the issues he dealt with was the ferry service. The ferry service is a Metro service. The city, under the 1980 legislation, was required to pay the deficit plus 50% of the ice-breaking costs. Mr Johnston recognized that that was a mistake and that the city should be repaid for whatever it had incurred with respect to the ferry service deficit and it should not be responsible for any costs related to that Metro service in the future.

The city agrees and therefore believes that a new subsection 5(6) should be added to the bill that is in front of you to require Metro to repay any deficit moneys paid or incurred by the city, which to this date amount to \$1,341,635—

Mr Stockwell: How do you say it with a straight face?

Mr Perlin: It's tough with him sitting here—or if not Metro, then the price for the purchase of the land leases should be increased to the islanders by an amount which includes that past ferry service deficit.

If the province is not willing to have Metro or the islanders repay the city for the past ferry deficit then the brief suggests the province should, and if that will not be done, then at the very least the situation should be clarified in the bill, indicating clearly that the city need pay nothing further after the Johnston report was filed in May 1991.

There has been a recognition in the bill that no further rent should be paid after the May 1991 report and that first rent payment due thereafter was to be in December, and you can see in the bill that that rent payment is not to be made. We suggest that is the date that should be put in in terms of no further responsibility for the ferry service.

The sewer and water local improvement: The city, as I said before, installed a new sanitary sewer system and an upgraded water system. That was supposed to be repaid by the islanders on a local improvement-type basis. That amount has not been paid, and by March 31, 1993, with interest, as you'll see on the financial schedules attached, it will reach \$4,119,138. If that were to be repaid in the normal course, then it would be done annually over 15 years at the rate of interest of 7.15%,, namely \$466,935.60 a year.

The city is informed, and I see now, having just picked it up, that the regulation will only require repayment of \$1,012,293, a shortfall of \$3.1 million. Thus, the city's proposed amendment in the brief before you to subsection 5(3) would be to allow the city to impose \$466,935 a year for 1993 and 14 years thereafter on the island homes. The city would then break that total amount down equally each year to the number of homes available for that year to pay that amount.

Again, the brief states that if the province is not prepared to impose that amount on the islanders, then the province itself should make up the differential. The city taxpayers should not be called upon to pay for the provincial solution.

The initial purchase price for 99-year land leases: The most significant issue in terms of the three financial areas deals with the initial purchase price for the 99-year land leases. The idea of the city collecting moneys from these initial land lease sales is so that the city can be repaid the rent that it incurred in paying Metro from 1981 onwards towards the lease of the islands to 2005. These were then to be subleased to the island home owners in an amount which would recover the rent to be paid to Metro.

The amount that has been expended or notionally incurred, together with operation costs and reflecting interest since 1980, is \$16.628 million. That would include the amount for the ferry service. Fairness demands that any solution put forward to the island problem as per Bill 61 includes making the city whole, to the tune of \$16.628 million.

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Section 17 is the part of the bill that deals with the sale of the land leases, and subsection 17(3) stipulates the purchase price for the land leases sold within one year of the act coming into force. It is urged that these subsections be amended to include these increased lease prices, and those increased lease prices, in order to reflect the full repayment of the \$16 million, would be for Ward's Island, for the occupied leases, \$51,730 instead of \$36,000, and for Algonquin Island, \$66,570 instead of \$46,000. For the vacant leases on Ward's Island it would be \$51,730 instead of \$36,000 and on Algonquin Island, \$51,730, as well, instead of \$36,000.

It's only this way that the city can be compensated for its accumulated deficit in relation to the operating expenditures. This concept of a fair land lease has been in the past the subject of negotiations between the city and the island community, and in 1990 it was accepted that the city must be able to recoup its operating costs while at the same time not economically evicting the islanders.

The situation is no different today. The province's loan guarantee program should be used to ensure that the city receives fair compensation and that no islander is forced to leave his or her home due to an inability to afford the lease.

By putting a limit on the total amount of the loan guarantee program, the province is forcing the city to be the bad guy in a situation which could be resolved amicably and equitably. The city taxpayer should not be asked to subsidize, either directly or indirectly, costs which should be paid by the islanders. So we set out the changes therein that would change the dollars.

If the province is not prepared to amend the bill to increase the prices, then the province itself should agree to reimburse the city for the difference between the total proceeds from land leases purchased by the islanders and the cooperative housing corporation under the legislation in the total outstanding amount either for recovery of rent or sewer and water capital costs.

We believe that this proposal is a logical one given that the province, not the city, will receive a share of the proceeds upon resale of the leases. Any restitution paid out by the province initially will be recouped over time through the repeated sale of the properties in the future. So we've put in an alternate amendment, section 18, that would see the province pay the differential if it's not to be added to the lease prices.

In terms of the discrepancy in the proceeds from the sale of the leases, the final financial point to be raised is that even if the city is not reimbursed the total amount it is owed, the city should at least be assured that after the \$2,500 to the trust and the \$1,000 to the province are paid, the city does get the \$32,500 or \$23,500 on Ward's and the \$42,500 or \$31,000 on Algonquin. Thus, you would see a proposed change to try and ensure that in the brief in subsection 17(11).

The final point I want to cover in the couple of minutes I have left is the planning issue. First and foremost, our suggestion is that the Planning Act should apply to the Toronto Islands and that section 29 of Bill 61 should be deleted.

Mr Stockwell: Right on.

Mr Perlin: I ask you to turn to the bottom of page 12 of our brief. First, with respect to the issue of subdivision control, exempting the island lands from the subdivision control provisions of section 50 of the Planning Act could have a detrimental effect on the future use and development of the island lands. It is submitted that the desire to allow the islanders, through the trust, to retain control over their community does not require that the safeguards and planning principles at the heart of subdivision control requirement be sacrificed.

Presumably, the issues which the trust would consider in dividing the land into lease lots would be similar to those embodied in subsection 51(4) of the Planning Act, including such things as conservation of natural resources and flood control, adequacy of utilities and municipal services, land to be conveyed for public purposes, energy conservation, the effect of the development on matters of provincial interest and the public interest, the number and width of highways, dimensions and shapes of lots, and building and use restrictions. With such a system of development control already in place, it is submitted that it makes no sense to require the trust to reinvent the wheel.

Subsection 29(2), the Planning Act exemption, states that the Planning Act is not to apply to the construction of houses on such lands which are vacant on the day the proposed act comes into force and the use for residential purposes of such vacant land. It is not clear, however,

whether the city is to maintain zoning control over lands on which structures exist at the time the act comes into force or in situations where the trust demolishes a structure after the day the act comes into force.

It is suggested that this confusion and the concerns over the trust as a regulatory body could be avoided if the city were allowed to maintain total zoning control over the island lands, subject to the requirement that it observe a provincial policy statement pursuant to section 3 of the Planning Act related to the Toronto Islands which allows the minister to determine or declare any matter to be of provincial interest. Under the Planning Act, the minister could also ultimately control the zoning process in any event by the declaration of a provincial interest and/or a provincial zoning order. In this way, special principles could be articulated for the islands without totally abandoning the normal planning scheme established by the Planning Act for zoning control.

If this suggestion were followed, subsections (1) through (4) of the present bill could be deleted and the following substituted:

"In exercising its powers under the Planning Act in relation to the lands described in the schedule, the Metropolitan corporation and the city shall have regard to any provincial policy statement passed by the minister pertaining to those lands."

It is assumed that as no mention is made of lands occupied on the day the act comes into force, those lands are subject to the city's zoning control. If this is the case, it must be pointed out that the proposed bill will create a situation whereby two planning authorities exercising two different sets of planning regulations will be operating within a relatively small area. The results, it is submitted, could be both inequitable and confusing to the islanders and would tend to defeat the purpose of a unified planning scheme.

The final point in this area is that we would suggest, if there's going to be no change, at least a right of appeal from a community decision, a trust decision, where an individual claims he or she is particularly hard done by. Our suggestion there is that there should be an appeal mechanism. We set out a couple of alternatives in the bill as to whom an appeal could be to, but we come down in the final submission to you to the Ontario Municipal Board.

Every other citizen has the right of appeal. Indeed, those living in existing houses where the zoning bylaw will continue to apply will have a right of appeal, but not when a vacant lot beside them and/or in their area may have, as they see fit, some detrimental effect on them. They could be beside a vacant lot and some regulation is put by the trust in terms of what could be built, in terms of height, use or density. The person in the existing house covered by the city zoning bylaw, even though impacted by that which is next door to him, will not have a right of appeal because that decision is being made by the trust.

One further point—it's more of a technical point—is that in terms of the minister's power under the Planning Act, we are suggesting there should be some clarification of that role in subsection 29(3).

Those are the comments we would make to you. We make them in a constructive way and we hope you'll look favourably upon them.

The Chair: Thank you for a very constructive brief.

Mr Stockwell: Just a couple of questions. First, I guess the city of Toronto still hasn't figured out that it got fleeced in this whole deal, so it's still making its appeals. Surely the taxes the islanders have paid in the past 10 years have offset some of your costs.

Mr Marchese: By how much? Is that what you want to ask, Chris?

Mr Stockwell: It's just a question of—

Mr Grandmaître: Just recouping.

Mr Stockwell: Yes. You must have recouped a considerable amount of money, considering they've been paying taxes for the last 10 or 15 years. Surely that's offset some of the costs you've outlined here today. Quite a bit of it is interest, so if it has offset it, could you give me an idea about how much you've collected in the last 10 years in the way of municipal taxes?

Mr Perlin: I'll have to undertake to get you the answer in terms of the amount of the taxes that have been paid by individuals on the islands. We would argue that the amount of the taxes paid goes for city services per se. Very little would have gone towards the rent payments to Metro. As you can see, our major submission to you today relates first with respect to the rent payments, to try to recover all that from Metro, and then a pittance of that would have been in the usual tax bill. I appreciate that in every tax bill, when we pay Metro, something would have been charged, but it would have been a very small amount. You're sitting for the next couple of days. I'll undertake to get you the amount of the taxes.

In terms of the sewer and water, even when we're collecting the sewer surcharge, local improvements are separate and therefore nothing has been paid.

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Mr Stockwell: I understand that. If you could get me that information, I'd be really curious to see that.

Mr Perlin: Okay.

Mr Stockwell: Second, I'm at a loss to understand why they're exempted from the Planning Act. This is an unusual step. Have you seen this in the past at any time, where a specific subdivision is excluded from the local Planning Act and the local authority, which literally everyone else in Metropolitan Toronto has to live under?

Mr Perlin: I'm not aware of situations other than those the province itself has put under zoning orders and that sort of thing, or special planning areas like the parkway belt or the Niagara Escarpment. So I'm not familiar. This is the first time I've seen that.

Mr Stockwell: Nor am I. I've never seen it either. I was just curious to see if you'd ever seen it.

The last point I'd like to ask you about, having sat on local council and Metro council for a number of years and dealt with some of the issues on the islands with respect to the homes, the other issue seems to be the fact that it's a

floodplain. I recall the city of Toronto has a policy that you can't build on a floodplain. We're going to talk about putting up a cooperative housing project of some 100 units on a floodplain. Has your council dealt with that at all and considered the ramifications involved in that decision?

Mr Perlin: Those matters are normally left for the conservation authority per se in terms of, before getting a building permit, what the conservation authority would permit; or if not by the conservation authority, it would normally be dealt with through the subdivision control process. So there's been no direct dealing with that. I should indicate that before the matter went into the bill etc, city council was looking at whether the addition of homes would be acceptable and, if so, on what basis, but there's been no formal position taken by city council.

Mr Stockwell: One last question. Considering the fact that I don't think you have a snowball's chance in Hades of getting the money out of Metro for the revenue loss, I doubt the islanders are going to come up with the money and frankly I'd be shocked if you got a nickel out of Floyd, what recourse do you have to collect your \$16 million?

Mr Perlin: The rest of the city taxpayers. **Mr Stockwell:** They will pick up the tab?

Mr Perlin: That's right.

Mr Mills: Mr Perlin, thank you very much for your presentation. You know, but the committee members don't, that Municipal Affairs has only had these amendments in its hands for about two weeks. We are and have been meeting with city officials even as late as Friday to come up with a solution to some of the things you've placed before us. I can say that at the present time, we are drafting technical amendments intended to clarify or improve the proposed legislation as you suggest. That's an ongoing task.

Mr Stockwell: So you've got to check on that.

Mr Mills: Pardon?

Mr Marchese: Does it have your picture?

Mr Mills: Hope. Thank you.

Mr Marchese: I have a cynical response to your concerns on planning. I used to live at Harbour Side co-op, Queen's Quay, Bathurst and Lakeshore area. If that is the kind of planning the city does, I can tell you we have serious problems. There is no community centre there, there is no store in the area and there are no services at all to the community, child care or day care. There is no school nor was any school ever planned. If I think of those kinds of planning activities that have gone into those complexes of Cityhome and other co-ops, I seriously worry about the kind of planning we could do in the future. What is your response to that kind of planning versus what you might be recommending?

Mr Perlin: In terms of the Queen's Quay and Harbourfront area, it's important to remember that those lands were federal and came to the city by way of the federal government. We had to negotiate with the federal government in order to achieve a residential community in that area and it had to be along the terms that were acceptable to the federal government. All that planning, Mr

Marchese, always involved the obtaining of lands from the federal government for community purposes.

Indeed just recently the zoning bylaw for Harbourfront was redone after the zoning order. We've got the new zoning bylaw in place and a new agreement between the city and the federal government with respect to the disposition of the lands, especially in the area you're talking about in Queen's Quay, that will see the lands there come for a community centre.

It's a primary part of the city's capital budget coming forward in 1993, and as soon as the environmental work is done, that site at Bathurst and Queen's Quay will see a community centre and a school. Some might argue that should come ahead of it rather than behind it, and that is what's happening in the railway lands.

All I can say to you is that the point is that those community facilities are going to come, but I don't think that means you get rid of the Planning Act situation.

Mr Marchese: No one's suggesting that.

Mr Perlin: There are appeals to the Ontario Municipal Board that are available if people feel that the planning isn't being done properly and there are ways of obtaining services, as has been the case, through the councillors of that area, who have pushed very hard for the facilities and have been successful in that.

Mr Marchese: Dennis, let me just say that I recognize the inconsistencies of the two positions, of the zoning bylaws applying to the existing homes and not applying to the new homes.

I just have to say from my personal point of view that I have trust in the trust's stewardship of this. I also want to add that they will be directly accountable to the ministry in this specific regard and I'm confident they will do good planning as it relates to the new housing.

Let me ask you with respect to the ferry deficit—

The Chair: Thank you.

Mr Marchese: Mr Chair—

The Chair: Thank you. Mr Grandmaître.

Mr Marchese: Could we have a sense of how we're going to deal with it? Do we have time for one question as it proceeds? Is that it?

The Chair: I divide the time equally among the three caucuses. That is how much time you have. Mr Grandmaître.

Mr Grandmaître: No special privileges.

Mr Perlin, I was told a little while ago that the official plan of the city of Toronto includes the Toronto Islands. Can you briefly explain to me what the official plan is for the Toronto Islands?

Mr Perlin: I've asked for the document to come down, but it does reflect the type of uses that are presently there. Perhaps what I could do for you is, rather than me doing that at this point, I heard you say it earlier and I called for a copy and it's coming over right now, so perhaps I can leave it with you when it comes.

Mr Grandmaître: Do you know, Mr Perlin, the Municipal Act prohibits municipalities from bonusing? Would you call this kind of deal bonusing?

Mr Perlin: Strictly speaking, in terms of the Municipal Act, no, I don't, because I don't see it as a commercial, industrial or business enterprise. The trust is a non-profit.

Mr Grandmaître: I'm not going to argue with you, I'm not a lawyer, but the Municipal Act—

Mr Perlin: Deals with bonusing related to commercial-industrial-business enterprises, not residential.

Mr Grandmaître: It could be land.

Mr Stockwell: They don't have a term for this. This is not bonusing.

Mr Grandmaître: Bonusing is bonusing.

Mr Perlin: I'll leave that with you. You being a former minister, I hate to argue.

Mr Stockwell: This is even better than bonusing.

The Chair: Thank you, Mr Perlin. I hope your colleague is called to the bar and that he will notify us as soon as possible. Thank you for appearing, gentlemen.

Mr Perlin: Thank you very much for the time of the committee.

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WILLIAM ROEDDE

The Chair: The next presentation, William Roedde. Good afternoon, sir. I apologize in advance for not knowing the correct pronunciation of your last name. You have 15 minutes allocated to you by the committee for your presentation. If you'll introduce yourself for the purposes of the Hansard recording, you may begin.

Mr William Roedde: Thank you, Mr Chair. I appreciate the opportunity to appear before the committee. My name is Bill Roedde and I've lived on the Toronto Islands for 34 years. There are 74 islanders who are over the age of 60 living on the island and we've formed a group called the Toronto Island Pioneers. This is because we've seen a lot of history. I sometimes think we've seen more history than we really wanted to.

We've been active in, for instance, the Ward's Island Association, which provides wonderful recreational programs, the Toronto Island Residents Association when it was formed 22 years ago, the rebuilding of the Algonquin Island Association clubhouse which burned down a few years ago, and two pioneers received an award from the city of Toronto last year for creating a wonderful garden in the park near their home. I mention these things to indicate our involvement in the community, and our concern not just for the community but also the park.

There has not been the growth in the use of the park that we would perhaps have expected, and we were talking the other day about an idea that might encourage people to use the park. For instance, we've often seen, at the Ward's Island dock in the late fall or winter, visitors who are shivering at the dock—they've just missed the boat and another boat isn't going to arrive for another hour or perhaps two—and we got the idea of establishing a drop-in centre.

The old rectory is used in the summer for city seniors but it is empty and unused, as some other buildings are underutilized, and we talked about establishing a drop-in centre there. We'd have signs up to indicate to visitors that they could come, we'd have hot coffee, we'd have posters and photographs of island history, we'd have books and magazines, we'd have comfortable chairs, we'd have pleasant chats, and I think this would encourage people to use the park.

Too often there are crowds of people using the park on a hot summer Saturday or Sunday waiting for tickets and waiting to get on the boat, and then on a Monday I'll cycle across the island and in some cases, in the late fall, I won't see a single visitor. It's become a place to go in the summer, and even that perhaps a little less, because there's certainly less swimming than there was before we heard the word "pollution" as much as we do now, unfortunately. So the idea of a drop-in centre is something we could achieve perhaps in the old rectory and perhaps next year.

In the 1970s we actually did something like this: We encouraged people to come to island homes. I was lucky enough to have Jane Jacobs drop in to my house—she is of course a strong supporter of the island community—and a couple of birdwatchers, who told me more about island birds than I had ever known. We are a community that encourages use of the island in all its aspects, and of course Mr Johnston has made a number of recommendations to encourage that.

I mentioned that we have witnessed a lot of history. It's rather unfortunate to realize how very inadequate the political process has been over the last 40 years. I think the Johnston report and Bill 61 represent a welcome change from the past. It's discouraging to realize how wasteful public policy has been. It has been to tear down houses, increase expenditure in the park, harass the remaining islanders, and all with the result of a decreasing number of visitors and an increasing ferry deficit.

It shouldn't have taken too much in the way of understanding to see that in the postwar years, there were improved recreational facilities in Metro Toronto and beyond, a great increase in automobile use, better public transport, a big increase in the use of cottages and travel holidays. With all this, it was unlikely that the use of the park would increase to justify the policy of tearing down the community and spending a lot of money on the park.

The Swadron report in 1981 was nearly 600 pages of analysis and information, but its recommendations simply resulted in a few hundred islanders remaining under difficult and uncertain conditions. How welcome it was when Richard Johnston recommended an enlarged community, ownership of our houses and 99-year leases. Four decades of indecision and waste are coming to an end.

We pioneers have talked about the bill. I think essentially we're positive about the bill. We did recommend that subsection 17(4) be amended to provide for deferral at age 60 and above, because we have a few members who are low-income and are just short of that magic 65-year age.

I would say that our position is a positive one. We have the positive feeling that we, mostly senior citizens, will be able to remain on the island and that years of uncertainty are coming to an end. There are examples, even in the last few years, of efforts to encourage visitors to the park. I mentioned the beautiful garden that two Ward's Islanders made. I think too of the Montessori school, which is a

wonderful experience of children coming over to use the rebuilt Algonquin Island clubhouse, and of course the nature school at the public school. When we pioneers get our drop-in centre going and this new housing and utilization of now-vacant buildings, the island community and the park will have a bright future. Thank you for your consideration.

The Chair: Thank you. Questions?

Ms Swarbrick: Mr Roedde, some of the things you were saying lead me to ask you a question regarding something I've heard about. In terms of the stewardship of the islands by the residents, I've understood that you've added a fair bit to the islands by your presence there, including, at one point, even someone having saved the life of someone who would have drowned otherwise, had it not been for the residents on the islands. Could you comment on that, in terms of how you see the community having improved the island park by your presence there in that way?

Mr Roedde: I'd be glad to. Yes, it's true that a life was saved by an islander. Also, I was talking a few weeks ago to a former islander who now lives near High Park, and she said that when she went out in the evening on the island she always felt safe, but in High Park she does not feel safe. Now, this isn't just because the islanders are there making Toronto Island safe. I suppose you could also argue that deranged people don't go to Toronto Island for one reason or another.

But I would say that a strengthening of the community is welcome to visitors in any park, that people coming to the community are interested. I've had people simply stop and ask something like, "Where's the farm?" and then we get talking. They're from Buffalo, and they think it's just great, they think the houses are great, and they might even get over to one of the clubhouses. The sense of a park and a community is a very positive and human thing to them. So yes, I think we can make a contribution.

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Mr Turnbull: I wonder if you could tell me briefly how you came to acquire your house in the first place and how much you have paid for it over the years.

Mr Roedde: Yes. I came to the island in 1958. I was living in Thunder Bay, and I got a job with the civil service, the department of education. My boss was Angus Mowat, who, you may know, is Farley Mowat's father. He was the director of library services, a small branch in the department of education, and he said, "I could rent you a house on Toronto Island." At the time, I was living up in Thunder Bay, or Fort William, as it was then; Fort William and Port Arthur. He said, "I could rent you a house on Toronto Island or on Fulton," and I picked Toronto Island.

Mr Turnbull: Did he own the house he proposed to rent to you?

Mr Roedde: No. He was simply looking for accommodation for me and my family.

Mr Turnbull: How much did you pay?

Mr Roedde: I can't say what the rent in 1958 was, but living in the rented house, I found that the house right

across the street was on sale for \$6,000, and that's what I paid.

Mr Turnbull: You paid \$6,000 when?

Mr Roedde: In 1958.

Mr Turnbull: In 1958. So you rented it for a period?

Mr Roedde: No. I rented a house that Mr Mowat found for me for the summer, and while I was renting there and getting into my new job, I discovered that the house right across the street was for sale.

Mr Turnbull: Under what circumstances did you pay \$6,000? What were you buying for that \$6,000?

Mr Roedde: At the time, I was very uncertain about the future.

Mr Turnbull: No, I'm asking what you were buying. I'm not asking how you felt about the future. What were you buying for \$6,000?

Mr Roedde: I was buying a house with three bedrooms—

Mr Turnbull: Are you suggesting you were buying it fee simple for \$6,000?

Mr Roedde: I'm not sure what you mean by "fee simple."

Mr Turnbull: Were you buying the land?

Mr Roedde: No, of course not.

Mr Turnbull: So you were buying the building that was on the top, on leased land.

Mr Roedde: And I knew that the lease was to expire in 1968. I knew that, but I did not know whether it would be renewed or not. The whole drama of the controversy came later.

Mr Turnbull: But presumably you had a lawyer to check this out.

Mr Roedde: It was not possible to check out anything other than that the leases expired in 1968.

Mr Turnbull: So you knew there was no guarantee beyond that time.

Mr Roedde: Yes.

Mr Turnbull: So you bought it for \$6,000, and over the last 10 years, how much have you paid to occupy that leased land?

Mr Roedde: I'm not sure what the lease was, to tell you the truth, or how much I've paid over the years.

Mr Turnbull: Have you paid anything over the last 10 years?

Mr Roedde: No, certainly not over the last 10 years.

Mr Turnbull: You haven't paid anything over the last 10 years?

Mr Roedde: No, we have not been asked for any lease over the last 10 years.

Mr Turnbull: Did you at any point refuse to pay?

Mr Roedde: No. As a matter of fact, there was a period when we didn't pay; this was in the 1970s. Then they said, "Okay, come on, drop into city hall and pay," and we did; most of us anyway.

Mr Turnbull: What about the ones who didn't?

Mr Roedde: Those who didn't, I really can't speak for them.

Mr Turnbull: Are they still on the island?

Mr Roedde: I don't know.

The Chair: Thank you, sir, for coming today. We appreciate you trekking over from the island.

JON CAULFIELD

The Chair: Jon Caulfield, good afternoon. Welcome to the committee. You've been allocated 15 minutes for your presentation. You've been here for a while, so you've seen more or less the way we operate. If you'll introduce yourself, you may commence.

Mr Jon Caulfield: I certainly won't use 15 minutes, so maybe you can devote more time to Professor Gibson. My name is Jon Caulfield. I'm a member of the faculty at York University; I teach urban studies there.

I've been following the island controversy for more than 20 years, first as a member of the city hall press gallery and then, more recently, as an academic, and I welcome the opportunity to do this. It's not something I've ever done before, and I think I'm doing it because of my strength of feeling on this particular issue.

I support the bill for two reasons. The first I would describe as almost historical. There was a time in this city, not very long ago, when we tore things down. We tore down old neighbourhoods, we tore down old buildings, we tore down old communities, because we viewed them as impediments to progress, standing in the way of what we viewed as the future and the way of progress. To name a few: Alexandra Park, St Jamestown, Regent Park, Parkdale, King-Parliament. In Parkdale alone, we took out 140 houses to create the area where the Gardiner Expressway runs through the bottom of the community. In King-Parliament, we tore out 170 houses to create the area where the Don Valley on-ramps come from Richmond and Adelaide streets. I could go through neighbourhood after neighbourhood, community after community, where we simply tore things out. That was the approach we took to city planning.

Some time around 1970—probably many of you know some of the history of this, so I'm not going to recite it—our attitude changed. No longer do we view these places as impediments to things like high-rise projects and public housing projects and expressway projects and other kinds of big visionary projects—you know, clean-sweep planning—because someone had a bright idea for a big visionary project. It's a fortunate thing we did, because if we hadn't, Chinatown wouldn't be here today, the Annex wouldn't be here today, Kensington Market wouldn't be here today, Queen Street West wouldn't be here today—neighbourhood after neighbourhood.

It's interesting to look at the clean-sweep planning maps. You go back to 1970 and look at the planning maps and you have one area that's just orange because that's going to be high-rise projects, and one area that's just purple because that's going to be commercial, and one area that's just green because that's going to be parks. That's a very simple-minded approach to planning.

Talking about parks leads me to the topic we're here about today. One of the bright, visionary dreams of the era was to complete the renewal of the Toronto Islands park system as a regional park by removing about 200 homes on about 29 acres—if my memory serves me well, that's the figure—a perfectly good neighbourhood that threatened no one's enjoyment of the park.

Today we take a very different attitude towards old neighbourhoods. We don't see them as impediments to progress. We try to protect existing communities, the existing urban fabric. I think most of us would find it hard to imagine Toronto today without Chinatown, without Kensington Market, without the places that almost were torn down. In part, I look on Toronto Island as being this little leftover piece of history because of its peculiar legal status, strung along year after year. Because of its peculiar legal status, all these other areas are protected now by urban policy but Toronto Island remain threatened. I like Bill 61 because Bill 61 completes this little era of Toronto's past history of demolishing its urban fabric.

The second reason I support the bill has to do with the traditional nature of the island housing as affordable housing in a city where we constantly seem to have a dilemma about moderately priced housing. Paradoxically, as we have grown, as we have developed, as we have become more wealthy, housing affordability has become more of a problem for more people in Toronto. Bill 61 safeguards the affordability of island housing. It ensures that we will not have a repetition; I would not be sitting here today if that wasn't there.

If what I saw here was the possibility of what's happened in, say, Donvale—or what the real estate agents like to call Cabbagetown. I don't know if you know this, but Cabbagetown doesn't exist. It was torn down; that's where Regent Park is. What the real estate agents like to call Cabbagetown is the neighbourhood called Donvale. Back in about 1968, when a writer named Jim Lorimer wanted to look for a working class neighbourhood to write a book about, he picked that neighbourhood. He called it Working People. Within six years, seven years, of course, it was the highly gentrified, white-painted area that we know today, with its little cabbage flag. They eat a lot of spinach salad over there and everything's sandblasted.

I wouldn't be here supporting this legislation if those safeguards weren't there. I think that's absolutely fundamental, that the affordability of that housing be protected.

Above and beyond that, the bill provides for the creation of about 80 new units of non-profit housing in and adjacent to the community and I think that's nice. I think we've learned the lesson that we should seek to create social housing not by creating low-income ghettos, but by trying to have mixtures of housing such as we have in a place like St Lawrence, so I think this is good.

Bill 61 seems to me to sustain an old neighbourhood and do so in a way that directly addresses the housing affordability issue in Toronto. I support it. That's all I have to say.

1520

The Chair: Does anybody from the official opposition have some questions? Mr Turnbull has, from the Conservative Party.

Mr Turnbull: Perhaps you can help me because I must tell you that when I first came to live in Toronto, I was quite a supporter of the idea of continuing to have residents on the Toronto Islands. I've had serious questions since then.

I want to go through the two parts of your presentation. On the one hand, your discussion about the widespread demolition of older neighbourhoods: I agree with you; I think one of the great tragedies of Toronto is that we have lost a lot of our old architecture. I always think back to, I guess it was 1970, when we knocked down the old Toronto Sun building, which was a rather handsome-looking building, and lost a little bit of Toronto's history. It seems to me, when we're talking about the Toronto Islands, that to the best of my knowledge, there isn't much which has any architectural merit.

Mr Caulfield: I don't see the word "architecture" mentioned here anywhere. The word mentioned here is the word "community." I'm not speaking about Kensington Market or Chinatown or places like that as places where there's architecture. I subscribe to Jane Jacobs's view that we don't seek to keep old buildings because they're pretty or cute or nice old heritage buildings. We keep old neighbourhoods because those are the generators of certain kinds of social diversity and economic activity in cities. Those are the natural building blocks of urban life. Nowhere here have I mentioned architecture. That's not my concern at all.

Mr Turnbull: When we look at the Toronto Islands, it is a very unusual situation. We have quite a lot of people there who have very, very good incomes and we're giving them a giveaway. You talk about affordable housing. The question is, affordable for whom? It's affordable for the people who happen to have got on to the islands for whatever reason in the last few years, and from all of the numbers that I have seen—not the ones that were presented this morning—it appears that many of the residents of the Toronto Islands have got on to the islands within the last few years in the full knowledge that they may be moved.

In point of fact, you now have a situation where you're going to create extra co-op housing where, if we were to take those lots which are available among the people who've moved in, say, in the last 10 years under these peculiar circumstances and haven't paid rent, and if we were to put those out on the open market to lease for 99 years, I suggest we could have an awful lot more money available to help people who are truly in need of housing subsidy. Plenty of the people who are on the Toronto Islands are not in need of any subsidy, but this is a direct subsidy to them.

If anybody suggests that by capitalizing a lease on day one, it in some way mitigates the fact that it's a giveaway price, I don't accept that and I'd just like your comment.

Mr Caulfield: That's a nice speech. To get back to my presentation, I drew a parallel between Toronto Islands and

Donvale or neighbourhoods like Donvale in Toronto where the speculative market allowed what had been affordable housing or middle-class housing, or in the case of Donvale, working-class housing to rise completely out of the grasp of the people who had grown up in that neighbourhood.

I have read the legislation. As I say, I wouldn't be here today if that wasn't there, and I've read the legislation fairly carefully. I can't sit here and quote for you the percentages and this, that and the other thing, but it's very clear to me that this legislation prevents the possibility of speculative gain on the houses by individuals living in them. You will not have a repetition of the kind of, say, flipping process that occurred in neighbourhoods like Riverdale through the 1980s. You will not have a repetition of the gentrification process and that is what, to me, is important in this legislation.

Mr Turnbull: You're talking about the flipping, which you obviously disliked, but the fact that if people got on to the islands, didn't pay any rent for the last 10 years, now get to buy their house and they can now deed it to their children, isn't that just as controversial as any flipping?

Mr Caulfield: I think the reasons they didn't pay rent for the last 10 years are somewhat complex. They're somewhat embroidered into the whole history of the islands.

Mr Turnbull: I'm fully aware of that, but nevertheless they haven't paid, and the suggestion has been that there's something wrong with charging them for past rents for that.

Ms Swarbrick: Mr Caulfield, perhaps just following on that last point, are you aware whether or not the residents on the Toronto Islands were ever served any bill to pay over the last 10 years that they did not pay?

Mr Caulfield: As far as I know, they weren't. As far as I know, there was some talk about trying to do something several years ago and nothing came of it.

Mr Turnbull: Could I just ask a question? They don't even pay—

The Chair: Mr Turnbull.

Ms Swarbrick: Yes, I didn't interrupt you, Mr Turnbull.

The Chair: Ms Swarbrick.

Ms Swarbrick: My understanding, Mr Caulfield, was that in fact islanders asked had on a number of occasions what their rent would be, but were in fact never given a bill to pay by the city of Toronto and that—

Mr Caulfield: As far as I know, for the last several years, they haven't, no. I remember there was some talk about trying to do something about paying the money several years ago and they didn't see any place to put the money.

Ms Swarbrick: As I understand it, our government's rationale for not giving the city of Toronto everything it's asking for in rent is the fact that the city of Toronto—I didn't get a chance, unfortunately, to ask Mr Perlin that question, since there's a limitation of time here, but I had

wanted him to ask the question why they never had issued any bills for that rent.

Mr Caulfield: I don't know. My concern here is-

Mr Grandmaître: The building permits. They couldn't get any.

Mr Caulfield: My concern here is a real good community that I see absolutely no reason to eliminate.

Mr Stockwell: Neither do I. Just pay your way like any other good community does.

The Chair: The Chair is having difficulty in following this conversation. Perhaps just between the presenter and Ms Swarbrick would be helpful.

Ms Swarbrick: Sorry, Hansard. Thank you, Mr Caulfield. That's all.

The Chair: Are there further questions? We have three minutes left. Mr Sola has a question.

Mr Sola: I don't know who to pose this to, but I think Mr Turnbull raised the question that our fact sheet gives us one statement and we've heard several other statements that contradict—

The Chair: Is this to the presenter or this a question of general interest?

Mr Sola: Maybe the parliamentary assistant could answer it or maybe the presenter. On our fact sheet, for the year 1982 it says: "The Supreme Court of Ontario rules that island homes belong to Metro Toronto," and here's the important part: "Islanders refuse to pay rent; city begins paying rent to Metro on their behalf. City has collected no rent for the past 11 years." What I'm asking for is some sort of clarification so that we can get to understand whether the islanders refused to pay rent, whether they were not asked for rent—we should be speaking the same language.

Mr Caulfield: I think you have to ask that question of an islander or somebody who's more intimately familiar with the last 10 years of legal history than I am. The question I can answer is, do we have here a healthy, traditional, settled community of more than 250 households that for no reason on earth should be threatened? No, they shouldn't be threatened. Is there the threat that this community will become something other than it is, a bunch of beach houses for well-to-do yuppies if this legislation passes? No, because of the way the legislation is written, that will not happen. This neighbourhood will retain largely the fabric that it has.

Mr Sola: That first question was actually supposed to be directed to the parliamentary assistant but I'll ask you this question. I see you're in the urban studies program at York University. As such, I wonder how you can support a projected construction of housing on a floodplain.

Mr Caulfield: My understanding is that this hasn't been resolved yet, that the original place where that housing was mapped in may or may not be a floodplain. I don't know.

Mr Grandmaître: It is part of the official plan.

Mr Caulfield: It may or may not be a floodplain. My understanding is that there is some sort of effort under way

to try to locate that housing in places on the island that are not floodplain. I don't know.

Mr Stockwell: They don't conform to the urban Planning Act.

Mr Caulfield: Mr Stockwell, do you want to ask me a question or do you want to ad lib?

Interjections.

The Chair: Before I call the next presentation, maybe we should remind the committee of the way this works. The questions go to the presenter. No one else should be interjecting. It's very helpful, especially to Hansard.

Mr Grandmaître: Oh. Interjection: Is that new?

Interjections.

The Chair: Mr Sola did present a question.

Interjections.

The Chair: Let's have some order. It's still early in the afternoon.

1530

SALLY GIBSON

The Chair: The next presentation will be from Dr Sally Gibson. I believe all members have a copy of the presentation. Good afternoon. Welcome to the standing committee. We've allocated 15 minutes to your presentation. You may introduce yourself and commence.

Dr Sally Gibson: My name is Sally Gibson and I live on the mainland in the city of Toronto. I have no direct financial or property interest in the Toronto Island community but I have a deep emotional interest in seeing that the community lives on. The Toronto Island community is very much a part of my city and my life and I want to do my best to help it continue to flourish. I believe that passage of the proposed provincial legislation would accomplish that end.

My involvement with the island began about 20 years ago when I was hired by the city of Toronto's planning department to work on its report about the future of the then-threatened island community. Shortly thereafter I devoted a number of years to writing a PhD dissertation for the University of Toronto about the still-threatened island community, a dissertation I called Sense of Place—Defense of Place: A Case Study of the Toronto Island.

Not content to leave the subject alone, I then proceeded to write a 300-page, heavily illustrated book about the still-threatened island community and its environs. My book is called More Than an Island: A History of the Toronto Island, which was published in 1984. I don't know who would like to take it, but I'd like to give a copy to the committee in the hope that it might help you understand—

Mr Grandmaître: It's mine.

Dr Gibson: I can sell other copies to anybody at a reduced price.

The Chair: It's your copy to share.

Mr Stockwell: Could we get her to sign it after?

Dr Gibson: The joy of an author.

I hope it will help you understand why the Toronto Island community is such a distinctive, important and cherishable part of Toronto. I would also like to give you a copy of a 1986 article that appeared in the American magazine Landscape which provides a brief history of the island community. It's just this small one.

The subject is a complex one, as you all know, since the island and the island community have a long, frequently controversial history. Other experts can discuss the legal, financial, administrative and environmental implications of the legislation if they wish. In the brief time allotted to me, I'd like to concentrate on the underlying purpose of the bill, which is "to provide for the continuation of the community on Algonquin Island and Ward's Island." To do this, I would like to discuss five themes that have emerged from both my experience and my study of the island.

(1) People have lived on the island for over 150 years. They should continue to do so.

Long before there was an official park, there were residents. The first year-round island resident was probably J.J. Radelmüller, who was the first lighthouse keeper. Radelmüller moved to the island, or peninsula, as it was then, around 1809, when the tallest free-standing structure in little York rose at Gibraltar Point. There are those who say he is still there, haunting the lighthouse and providing a good story for teachers to tell city students who visit the natural science school on the island.

In the 1830s and 1840s, along with the first hotel keepers, came the island fishermen, who built their houses out of driftwood. Among the early fishermen were the Hanlans and the Wards, whose names are still associated with the island. It was a tough life, but the fishing families displayed the independence, determination and environmental awareness that we associate with today's islanders. They were also public-spirited. When ships foundered off the island, they launched their fishing boats and saved literally hundreds of lives. William Ward, for example, was credited with saving 164 lives.

In 1888 the year-round community was large enough for a school to be built near the site of the present school. By this time, the winter community was augmented by the caretaker of the Lakeside Home for Little Children and by the island park superintendent, who looked after the island park at Centre Island, which was officially opened that year and still forms the nucleus of the island park system.

Meanwhile, the summer community grew apace, including tents, first at Hanlan's Point and later at Ward's Island, small cottages everywhere, hotels, boarding houses and the mansions of such well-known Torontonians as the Masseys and the Gooderhams. Summer islanders, like year-round islanders, lavished attention on their houses and their property, filling in the marshy areas, planting gardens of resplendent diversity and creating architecture of immense variety and imagination.

It's worth noting that during the latter part of the 19th century and the early part of this century when there was a rich assortment of residential and recreational uses on the island—baseball, amusement park, hotels, regattas and so on—more people travelled to the island than is the case

today. The ferries were larger, more frequent and more numerous.

The 1930s brought the airport and the removal, by flotation, of about 40 cottages from the western sand bar to what is now Algonquin Island.

The year-round community increased dramatically during and after the Second World War when there was a severe housing shortage. Summer cottages and hotel rooms were winterized, new, year-round houses were built, especially on Algonquin Island, some by returning veterans. The baby boom reverberated on the island and was reflected in the rapid growth of the island school, which reached a peak of 587 students in 1954-55.

While it is impossible to give a precise figure, the winter community probably numbered around a couple of thousand people at the time Metro took over in 1956 and began its island clearances. By the time the demolitions were halted, over 400 houses, hotels, churches, stores and community buildings had been wiped out. Virtually nothing except memories remains of the old Hanlan's Point and Centre Island communities. The only, and therefore especially important, link with the island's residential history is the current community of 250 households.

(2) Communities are important.

The island community should be preserved not only because it's historic, but also because it's a good community. It's all too easy to destroy communities; it's not easy to create them. Here we have one of Toronto's most successful communities and we should treasure it.

What is a good community? I think it's a place where people feel they belong; where they share values, experiences and goals; where they help one another; and, yes, a place which they defend and protect when it is under threat. Internationally respected urban thinker Jane Jacobs touched on this point over 10 years ago on July 1, 1980, when she addressed a large outdoor rally in favour of preserving the island community. She said:

"This community shouldn't be destroyed because it's lovable. It's unique. It's a lovely thing. It's wicked to destroy lovable, unique and lovely things When people defend a place the way you islanders are defending this, that's the greatest argument of all. It says, 'It's worth saving.'"

That was true in 1980, and it's true today.

(3) Diversity enhances the park.

Far from detracting from the park, the island community, which sits on the edge of the park, complements it. Contrary to general opinion, when the island was transferred from the city to Metro in 1956, it was not clear that park meant no houses. Islanders never protested the transfer, feeling that Metro would be a better landlord than the city had been. Metro Chairman Fred Gardiner had cycled across the island and suggested that there was room for both park and residents. Virtually every plan ever presented for the island since John George Howard's initial plan in 1850 had proposed residential as well as recreational use.

Significantly, when Metro was first debating what to do with the island when it got it, the late Hans Blumenfeld, who came to Toronto in 1955 and became a world-renowned

planner, wrote a strong report in favour of retaining the houses. He wrote in part:

"Far from being incompatible, residential use enhances the attractiveness of the island for recreation. The houses, generally pleasant but architecturally undistinguished, and the gardens form an agreeable varied backdrop to the beaches, playgrounds and parks. The life of the residents, people puttering in their gardens, children playing etc, add a human touch. Without the residences, the island would be a less interesting place."

1540

I was astounded to discover from Mr Blumenfeld's 1987 autobiography, Life Begins at 65, that he had shown his 1955 report to Metro Parks Commissioner Tommy Thompson who initially "agreed that the houses were an asset more than a liability." However, when challenged by the all-powerful Metro chairman Fred Gardiner, Thompson backed down and supported the demolition of all island houses. "I felt betrayed," Blumenfeld wrote. "I had lost my first battle at Metro." Islanders too felt betrayed and suffered the consequences. Before the bulldozers were halted at Ward's and Algonquin islands, over 400 houses and community buildings were demolished.

Unfortunately, the pure park concept became something of an idée fixe in the minds of successive generations of Metro politicians and park planners. Today, however, no progressive planner would suggest tearing down 400 or 650 houses to create a park. I live near Riverdale Park and no planner or politician, I devoutly hope, would suggest tearing down 250 houses to expand that park.

(4) Transferring the residential areas from Metro to the province is a good idea.

Given this history, and its legacy of bitterness and intransigence, it's clear that Metro has never accepted the idea that far from being a drawback, the island community is a positive feature of the island and deserves not only to be preserved but nurtured. This being the case, the best solution is either to return the land to the city, as was requested for a number of years, or even better, I think, to transfer ownership of the land to the province, as this bill proposes. Then islanders, as well as other interested parties, can concentrate their energies on looking to the future rather than over their shoulders.

(5) The community makes the island safer.

Islanders have always actively promoted public safety, from the time when William Ward and his fishermen friends dragged sailors off wrecked ships until more modern times when islanders have saved drowning tourists. Beyond this, the islanders' very presence makes the eastern end of the island safer than it otherwise would be. They naturally provide the eyes on the street that enhance public safety and they provide a possible safe haven for people when trouble arises.

As a woman, I'm particularly sensitive to issues of safety in public environments and I can state with absolute certainty that if the community weren't on the island, I would never venture across the bay after dark or during the winter. I would even be reluctant to go during other times. The island would feel especially dangerous because it is so completely isolated.

I would like to end my presentation by quoting a slightly amended version of the final sentence of my book, More Than an Island.

"As the city celebrates its bicentennial, citizens with a sense of history only hope...that Toronto's oldest water-front community will also be allowed to live and prosper and make its own distinctive contribution to the city's future."

Passage of Bill 61 will help accomplish this goal. Thank you.

Mr Marchese: Sally, thank you for the presentation. I have gathered from both opposition members that the existence of the island or the islanders is not in dispute. What they're now disputing, it seems to me, is two things. The first is the issue of zoning control, and that is that the city already has existing zoning control over the existing buildings but not over future construction of the co-ops and other infill housing. They see that as a problem. The second is that the price of the lease is simply not enough; it's giving it away for free.

As an objective observer, and given that you don't live on the island, what is your sense of, first, the zoning issue and, second, the issue of the price of the lease? Remember that \$45,000 and \$36,000—I've forgotten the prices—amounts to approximately \$330,000 a month of mortgage payments. It includes upgrading for fire codes and other regulatory issues. It includes property tax as additional cost, sewer and water charges, which are included, a special sewer and water tax which is about \$600 a year, all of that. As an objective observer, what is your view of both of those issues?

Dr Gibson: First of all, in response actually to your preliminary statement that everybody agrees that the island community—

Mr Marchese: From what I gather.

Dr Gibson: —ought to stay, I'm delighted to hear that, if that is true, because that was the substance of my remarks. If it's not the case, I hope people will look at what I said again.

In terms of the zoning, I'm afraid I don't have a comment on that. I said that I wasn't going to deal with administrative and other aspects. I'd have to look more closely, so I will trust those who have been spending the last number of years investigating it. In terms of price, again I don't want to get into the details. I haven't looked at it at all. My feeling is that I think the community ought to stay. I think this sort of price would allow a diverse community to stay and I think that's a good goal.

I can't recall what the yacht clubs spend, but I know in the history of the island, yacht club leases have always been less per acre than residential leases and it's never been clear to me why homes for boats should be more important, if you will, than homes for people or that residents should pay more than boats. I think that's the best way to put it. I don't really want to comment on the specifics of the finances.

Ms Swarbrick: Mr Chair, just a very quick state-

The Chair: After Mr Stockwell perhaps.

Mr Stockwell: A quick question. What are they paying for a berth at the—

Dr Gibson: I don't know.

Mr Stockwell: You don't know?

Dr Gibson: No, I don't know that. I was going to pull out the Swadron report, but I'm afraid it's in storage.

Mr Stockwell: In the last 10 years what have the berths—you have no idea?

Dr Gibson: No. I don't know.

Mr Stockwell: Considering the fact that the islanders have paid nothing for rent in the last 10 years, would you not consider that you're paying more to park your boat than to live on the island in the last 10 years? You don't? Okay.

Ms Swarbrick: I just want to say thank you for a very special presentation. Even though I know that intellectually I have very much agreed with the concept of maintaining the community on the island, I think you've helped to add to my emotional sense of it, since I really haven't visited the residential communities yet myself. But I think you've helped to add a very special creation of the emotional sense of the importance of the community and its existence and what it adds to the island in fact, and I think that, by doing that, you help very much to justify the legislation that we're putting in place, so thank you.

The Chair: Thank you for taking the time to come and see us today.

Mr Grandmaître: Where can we get your book?

The Chair: I would bring to the attention of members that the city of Toronto has provided us with the information, I think, that was requested by Mr Stockwell and Mr Grandmaître.

Mr Grandmaître: Is this the taxes?

The Chair: No. This is zoning information, official plan.

We're actually running slightly ahead of time, which is amazing for a committee.

TORONTO ISLAND ARCHIVES

The Chair: The next presentation, if they're here, is from the Toronto Island Archives.

Mr Rick Simon: I'll introduce myself while he's doing that.

The Chair: You introduce him and yourself. Then we'll provide you with half an hour.

Mr Simon: Fine.

The Chair: I take it they're slides.

Mr Simon: Yes. My name is Rick Simon. I'm a resident of the Toronto Islands community and a member of the TIRA executive, the Toronto Island Residents Association executive. I have lived on the island since 1968.

Peter Holt, who is setting up the slides, has been living there since 1969. Peter is the custodian of the Toronto Island Archives. It's a collection of documents that was organized in the early 1970s. What we will be showing are slides that were taken since them, mostly of the current community with a few of the old community. A lot of what

we're going to do is give a little bit of illustration of what Sally Gibson has been talking about.

1550

Hopefully, the pictures will do the talking for us, and also hopefully this will be something like a visit to the island for all of you. The islanders have always been good hosts to people from the city, and we hope to have city people continue to come and visit us and make themselves at home in our community.

We're starting out with an aerial view, looking towards the city over the top of the island.

On this little trip to the island we'd like to tell you a little bit about who we are and how we live over there. We're this élite community with all these special services. Dennis Perlin was at great pains to actually talk about an amendment to this bill so that we wouldn't be getting the level of services that people of the city of Toronto were getting but the level of services currently provided to the islanders, and I don't think he meant that to benefit us, because we're going to be getting more services. I think he knows that the taxes we've paid for the last 10 years, 20 years, 30 years living on the island have not given us the same kind of services as people in the city have always received.

So here we are arriving at the island, the Ward's Island ferry dock. This is a picture of the Shamrock in 1920-something, 1930-something, and as you can see, the ferry docks and the ferries haven't changed very much. This is from 1897. At that time, more boats were going to the island. In fact, as Richard Johnston pointed out, only a quarter of the number of people are going to the island park currently as were going there in the 1940s. So our position is that Metro has made a mistake in changing over from the large community that used to be on the island to an empty park.

This is one of the pictures of the Ongiara, the winter ferry, going back and forth. When the ice is in the bay during the winter season, this is the only means of transportation.

Here are both of the ferries: the Ongiara carries vehicles over to Hanlan's Point, and the regular ferry, as you see there.

This is in the winter. When the bay freezes over, often we can only get a boat into Hanlan's Point. People are bringing all their groceries and goods in these orange carts, getting a bus ride the length of the island in order to get the convenient 10-minute boat ride across to the city. It's a convenient 10-minute ride when you're there when the boat is leaving, but in many cases there's a two-hour wait between when the boats go back and forth.

This is a view just as you're arriving at the ferry docks of the Ward's Island community, based on the tent community that was there in 1913. The houses, the cottages that are there are still on the tent lots, 40 by 44 feet. We continue to be a different kind of community. It's an island community, it's not a mainland community, in that we're a bicycle, cottage community with sidewalks and not roads and not garages and not cars. One of the things that Mr Stockwell's constituents would have to give up if they

were living on the island, among other things, would be driving their car up to the side of their house.

Mr Stockwell: You'd have to give up a lot more money, too.

Mr Simon: As you can see, young and old alike value being able to bicycle around the island, and many enjoy visiting the island community. The island residents—I'm sorry. I can't see the paper.

Mr Stockwell: It says there are lots of bikes on the island.

Mr Simon: There are lots of bikes on the island. Thank you very much, Chris. We take up 5% of the total island, and there are 54 of the island houses that are seniors', owned by retirees.

We're living in this special, non-mainland community. This is the parking lot here on the island. One of the things we like to talk about is the idea of fighting to stay on the island. We've had a lot of political battles over the years, but that's not the only struggle we have. Living with the special conditions of island life is something we have more slides illustrating. It's not the same as living in the city.

One of the reasons the price is what it is, is because it's not living in the city. We don't own the land. The houses, I'd like to make the point, were expropriated from us by that Supreme Court case. We owned them before that, we maintained them before, bought them before and maintained them after that. We act as an owner would. Metro hasn't fixed up my house or helped me get a building permit to fix my house up. In fact, in one situation the islanders were faced with getting taken to court for not fixing up their houses and getting taken to court for fixing them up because they couldn't get a building permit from Metro.

One of the things that the public enjoys about visiting the island community is seeing the gardens, seeing the cottages and being welcomed into the community. That's not something that happens with some of the yacht clubs over there. You're not welcomed into the yacht clubs. We've always been a good host to the public.

As you can see, some of the houses are in various states of repair. We're hoping that the normalization of affairs between ourselves and the municipal government will allow us to get building permits and do repairs and bring our houses up to the standards that are required by the various city building bylaws.

The question of zoning: Zoning on the island for the current houses is more strict—it's something that was written by the islanders—than actually exists in many neighbourhoods in the city. Anyone who has taken part in this exercise or any island exercise that is about the upcoming idea of building, the neighbourhoods have been consulted more and have made their opinions known, and that's the way we always do it on the island. We're after a consensus so that the building will be acceptable to the neighbours. We're not trying to subvert or go around any laws or anything like that. We'd like to get normalized and live like other people in the city of Toronto, but not exactly like people in the city of Toronto, because we are islanders and not mainlanders.

Often when we talk about the idyllic island and all those things, we're thinking in terms of being out there in the summer. Well, the real story is that there are six or eight months of island life when there aren't that many people from the city who venture out and brave the island weather, get out there on the bay and see what it's like.

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Mr Peter Holt: When the power goes out and you're over there, you're a long way away from the city. We've got memories of summer to bring us through.

Mr Simon: As you can see, in the summer it can be an idyllic place to live. We're mainly interested in keeping it a place for a range of people to live: young people, old people, people with money, people without money.

Mr Stockwell, Mr Turnbull and also Dennis Perlin were offering the idea of—go ahead, Peter, keep going—setting the price much higher. Well, that would make it into the kind of community that they accuse us of being, and we're not that community. We can't afford that kind of high price; 28% of the islanders are single parents.

This is an example of the way we have to deal with moving things. This is an historical example from the 1930s, but this is the way island people live. It's not something that everybody would be suited for. Here's Bill Roedde on his bike—he was speaking before you a little earlier—going down one of our roads.

This is moving building supplies. Those were loaded off a truck in the city on to a boat and brought over, in many cases without the help of Metro because they wouldn't let us work on our homes. For 20 years, no building permits. Then they were loaded off the boat, on to the dock, up on to an old mail cart and pushed and pulled to the various places where work was being done. We've tried to keep up with the zoning bylaws, but it's not always possible. We're looking forward to getting normalized and actually living up to that.

Island life is about moving everything with your muscle power. Interesting island vehicles have been built just for that very purpose: to get things back and forth. They have to be narrow to fit through the new gates at the ferry dock, not built for people carrying their groceries and luggage.

The island is a place where children can grow up and not worry about getting run over by cars. I know that if islanders had their way, more opportunities in the city would be there for people to live in car-free communities.

This is the idyllic yuppie life amid the snow. That's the Algonquin Island bridge. Is this the view out of your house, Peter?

Mr Holt: Yes. That was before the insulation got in.

Mr Simon: In the roof.

Mr Holt: It's been a giant exercise by Metro to try and create a slum over there by trying to give us a bad rap, by not giving us bills so they can accuse us of not paying them, so they can prevent us from fixing our houses so they can build sentiment against keeping them.

Mr Stockwell: Metro wasn't giving the bills; the city of Toronto was.

Mr Simon: The city of Toronto didn't present us with that bill.

Mr Stockwell: That's right, not Metro.

Mr Simon: Let me clarify the question asked earlier about islanders refusing to pay. As I said, when the Supreme Court took our houses, which we owned at that point, away from us—and we didn't lose all of those court cases; some of them were appealed by Metro to the higher court—we refused to pay rent for the houses. We had been continuing to pay lease price, renting the land, and we were continuing and ready to continue to pay lease price for the land, but we didn't think it was fair to pay rent to Metro for homes we had built, bought and maintained, that were expropriated from us with no compensation. That was the refusal. It wasn't a refusal to pay land rent; we had been paying it all along.

Mr Holt: If you had the money back from the Metro legal bills, that would cover most of the cost of the deficit. They just kept appealing every court decision we won, and appealing it and appealing it and appealing it, because they didn't want to use the new Landlord and Tenant Act and reissue a new eviction notice. That was the whole reason. The only reason they didn't want to evict under the new Landlord and Tenant Act was that they didn't want to be forced to give a reason for the eviction. They had no reason.

Mr Simon: This is the island winter carnival. When conditions permit, we invite more people to come over and enjoy the park during the non-traditional island-enjoying times. Some years we are lucky enough to have a skating rink that goes all the way from Ward's Island to Hanlan's Point. Sometimes even the hardy islanders skate on the bay.

This is the Algonquin Island bridge facing the city side, looking down along Ojibway. These are island houses along the lagoon on Omaha, on Algonquin Island. These houses along the periphery of Algonquin Island were moved over from Hanlan's Point. They were put on barges. People were moved in order to accommodate the airport, and were told they would never have to move again. Some of those people are still there.

One of the activities the islanders take part in is that we bring our island spirit over to the city for Caribana. This is taking costumes across on boats and barges to participate in that festival of islands. Usually they're Caribbean islands, but we take part as well. This is the 1984 island-to-island. The islanders take part in this multicultural festival because we feel we have an island culture.

Here's a picture in front of Queen's Park. The theme that year was water, because we live with water, we live with the elements. This was the queen, Lorraine Fillier playing the queen. She's representing, on that side, clean water, and on the other side dirty water; we know about that too, because our beaches get closed just like they do in other areas in the city. It happens more now than it ever did.

This is the Arrhythmics, an island band, wearing boaters, enjoying part of an island festival called Gala Day. This is one of the light-hearted plays put on by islanders to talk about the political situation. We've tried to keep a

sense of humour during all the adversity and all the fighting we've done in order to maintain this historic community on the island. We've gotten a lot of city support all the way along.

You can tell this political fight has been going on for a while. A sign in the back says, "Save us, Bill Davis."

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Ms Swarbrick: I can also tell because of the apparent age of the main person in the picture.

Mr Simon: This is one of the activities on Gala Day. I was supposed to be a politician; islanders actually stood in for the politicians and took the heat for the politicians. It was actually directed at the politicians, so we sometimes take the heat off you.

Mr Holt: This is not meant to discourage any of you from visiting us.

At one time we had five men's baseball teams and four women's in an island league. Bashful Braves.

Mr Simon: The tug of war continues.

Mr Holt: It's an old island sport.

Mr Simon: This is Gala Day, an island festival that happens in the summer, and people are here exchanging clothes—

Mr Holt: And junk.

Mr Simon: And junk. This is the Gala Day white elephant sale. Here are some of the seniors putting chances in the drum for the Gala Day draw.

Mr Grandmaître: You mean no casino?

Mr Simon: This is an event that's put on totally by islanders. The public is always invited, and it's all totally at the islanders' expense. The clubhouse, which would be called a community centre anyway, is built and maintained totally at islanders' expense.

This is of John Sewell. He's leading a historical walk for people. He's showing the place where his grandfather built a wall along the lakeshore, built a wall that led up across the boardwalk to his grandfather's and grandmother's house, which is no longer there. As for the dangers of the floodplain, we always think the most dangerous thing that's ever happened is when the Metro parks department got hold of the island and tore down 425 houses.

Mr Holt: For parkland.

Mr Simon: For parkland, which is still underutilized. In fact, it's used less now than it was in the 1940s.

Mr Holt: That rubble is still there.

Mr Simon: This is one of the lakeshore homes. They were a little more palatial, a little bigger than the current island cottages that are on Ward's.

Mr Holt: Sometimes, multiple families lived in houses that had been formerly occupied by more well-to-do people who ended up buying places in Muskoka.

Mr Simon: When these houses were torn down, an average compensation of \$11,000 was offered to the people who were giving them up. In many cases, as Peter has said, the wealthy people who actually owned them, who got the compensation, weren't the people who were living

in them. The people who were living in them were tenants who had no say.

Mr Holt: They moved into the little shacks down at our end and fought back.

Mr Simon: To speak a little bit about the continuity of people on the island, I know Conservative members are saying that the Canadian census of 1986 isn't correct, but 65% of the islanders have been there for more than 15 years; 23% have been there for more than 35 years. In fact, of all the greater Toronto census areas, it's the most stable census tracked in the city of Toronto, more stable than Mr Stockwell's neighbourhood.

This is the dairy, one of the pieces of infrastructure that used to be on the island that's disappeared, along with hotels.

This is the main drag. This is where islanders and city people alike came. There were hotels, drugstore, all those things. They no longer exist. They were taken down.

Mr Holt: Now there's just a flour factory there.

Mr Simon: This shows how much land the community takes up out of the whole area of the island.

Mr Holt: Algonquin Island has the Queen City Yacht Club as well as the community showing on it over here. That notch over here is the Queen City Yacht Club. This is the Royal Canadian Yacht Club, and it's got these islands. In the old days, that is, around the time most of these pictures are from, around 1975, the yacht clubs had 20% more acreage than the community and paid half as much rent. This discrimination against housing was upheld as a land use prerogative of the municipal government. They could decide whether a place should be residential for, as Sally said, houses or residential for floating houses, seasonal floating houses. The parks commissioner, of course, is a member of the yacht club.

Mr Simon: The Royal Canadian Yacht Club.

Here's "Enjoy a vacation at Hanlan's Island for as low as \$6.50 a week"—this is around 1940—rooms, apartments. More people used to be able to enjoy the island because there were places they could rent and come over and visit and stay for a little while.

Mr Stockwell: That's about what it's costing you.

Mr Simon: You can tell my bank manager that, Mr Stockwell; ask him how much it costs.

Mr Stockwell: Tell my bank manager.

Mr Holt: Anybody who gets a good deal ought to lose it, right?

Mr Simon: Mr Stockwell doesn't have any solution for his poor people living in expensive places who are being thrown out of their homes. This is a solution for which we applaud the government for coming up with it, and we'd like to have it extended to other people.

This is a 1915 tent city.

Mr Holt: This is the old Ward's Hotel, which was torn down in 1966. In 1966: That's how Toronto valued its history. These little lots, they figured: "Any day, as soon as they run down. We just won't let them fix them." They're 40 by 50 foot lots. It's about a garden plot, in some communities, that you can rent. Here we grow people.

Mr Simon: This is a little picture of what was going on in the tent community.

Mr Holt: That's Ward's Island, and these are the Wards.

Mr Simon: This is Bill Ward and Edith Ward and Frank Ward in front of the firehall. It's a plaque for Fram Ward, who was an island firefighter for a long time. It's another example of us valuing our history out on the island.

Mr Holt: Here's a panorama looking out of the gap at the community. The gap is where the ships go out of the harbour.

Mr Simon: The eastern gap is the space between the edge of the Ward's Island community and where Cherry Beach is, where the boats now tie up.

Mr Holt: This is in the church.

Mr Simon: For the people in back who can't see, "To the glory of God, in memory of the islanders who paid the supreme sacrifice in the Great War, 1914 to 1919."

Sally Gibson was a lot more eloquent. This is about the centennial services at the church.

Mr Holt: Built 1875, moved to present site 1959.

Mr Simon: The church as well being maintained by the islanders is at risk—was at risk—from Metro, the same way the island school has been in the last little while. The idea is that if there's no church and no school and no stores, it'll be easier to get those islanders off there.

Mr Holt: This is when we were preparing for the sheriff.

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Mr Simon: We were going to be faced with the sheriff presenting eviction notices. Here's Kay Walker, the base commander, with her walkie-talkie, making sure of who was coming and going to the island ferry docks, looking for the sheriff.

Mr Holt: And there's the sheriff.

Mr Simon: Here he is confronting a group of islanders and non-islanders who are asking him not to serve eviction notices on 250 homes; 700 people asking not to be thrown out of their homes.

Mr Holt: He said, "Are you going to prevent us from doing our duty?" and our chairperson at the time said: "Those are strong words. We prefer to say 'not cooperate.' We think that our request is reasonable," and he agreed.

Mr Simon: And went away.

Mr Holt: He went away and he didn't serve the writs of possession. The houses were never properly, ritualistically taken from us by any due process of law except by one poor court decision which every political party abhorred.

Mr Simon: This is a rally asking city supporters to come over and visit us. Every time we go to the public, as the politicians have to once in a while, the public gives us a rousing "Stay there." This is another example of that.

This is talking about what happened at the Supreme Court, Metro expropriating homes with no compensation. That's what we were against.

Mr Holt: Would you give up to someone who wants to tear it down?

Mr Stockwell: Are you talking to me?

Mr Holt: Anyone.

Mr Simon: This is a welcoming celebration. The island actually has more Olympic medal winners who are island residents or have lived on the island than anyplace else in the city of Toronto, a lot of sailors and canoeists and swimmers.

This is putting in the sewers that we're being asked to pay for. As has been said, we're being asked to pay the whole cost of this. There's no other community in the city of Toronto that's being asked to pay the entire cost of putting in the sewers. We're willing to pay for hookups like everyone else, but the city told us we had to put in the sewers and told us we had to pay for it.

Mr Holt: It used to be \$40 a year to get it pumped out with the honey truck. Now it's \$10,000 a hookup, or something like that.

Mr Simon: We didn't have to mow many lawns that year, though.

Mr Holt: We were really pleased.

Mr Simon: This is Edith Ward again in front of her palatial island house.

Mr Holt: This is people in front of their homes, by way of introduction. This is the bird lady.

Mr Simon: In 1975, Peter and David Harris and a few others photographed people in front of their homes to put a face to the thing that the opposition politicians were saying, "Oh, these squatters, these people should just be thrown out." These people have serious looks on their faces because they were maybe going to be thrown out of their homes. Most of these families pictured here still live on the island, since 1975. In fact all these families are the surviving people. Some of the older people have died.

Here's a family that's four generations on the island.

The average income is 12% lower than the mainland, 28% more single-parent families than in Metro as a whole and 20% more low-income people, compared to 13% in Metro.

In general, what we're looking for, overall, is the normalization of our community. We're looking forward to taking the energy that we've spent with this adversarial relationship with governments and bringing the energy, creativity and sense of humour that we have brought to the island struggle of maintaining the island homes. We're hoping to bring that to being better hosts on the island, welcoming the public and also being good stewards of the island.

We always have welcomed people from the city to come and visit our community. We realize that we're going to be facing a lot more responsibilities that we've never had before. One of the reasons that we're paying a lower price is because we are taking on all these responsibilities. They're not the normal responsibilities of a city home owner. We don't own the land; we maintain the houses but we don't own the land. We can't sell them for what we'd like to sell them for and we can't use the market to sell the

homes. So we feel we've got a lot of extra responsibilities and a lot of extra burdens along with this deal, but we applaud the provincial government for helping, finally, to save the island homes.

Mr Holt: And we'll never forget.

Mr George Mammoliti (Yorkview): Rosario, did you hear that?

Mr Marchese: They'll never forget.
Mr Mammoliti: Chris, did you hear that?
Mr Stockwell: No. What was that?

Mr Simon: So we're at the crossroads now and we're hoping to—

Mr Holt: We think this sign symbolizes this presentation really and this point where we are as a community. The storm seems to be over. There seems to be a new season about to begin. We've got the support of all commonsense people, we think.

Interjection: Is that the end? Mr Simon: That's the end.

Interjections.

The Chair: Order. I think we have time for one short question.

Mr Stockwell: From who?

The Chair: From the New Democrats. Ms Swarbrick.

Ms Swarbrick: I just was thinking of a question here. One, I assume that none of the homes have basements, and I want you to confirm that. But, secondly, Richard had me thinking of something this morning, that monster homes would sink there. In fact, once it now becomes legitimate for people to end up doing renovations and what have you, is it even feasible on that land to be able put basements in if anybody wanted to?

Mr Simon: Are you speaking of the basement apartments on the island?

Ms Swarbrick: No, just thinking in terms of again what you're getting in terms of the land, whether you're getting full-value land in that way.

Mr Simon: In terms of the land, the land is all sand. There are a couple of half-basements under houses, crawl spaces and some that you can almost stand up in. But generally, it's not feasible to have basements on the island. The new construction is unlikely to have basements. We're quite interested in what kind of construction we would do in order to alleviate the problems. We're quite willing to live within the setbacks of 30 metres that happen everywhere else at the edges of water that the provincial government has.

The question of flooding every 20 years does raise its ugly head, and so we're talking about engineering the new structures such that they will be above any kind of flooding. We've also had an exhaustive community process looking at placing these new co-op and land trust homes on vacant land that's within the community and not within the floodplain area. That was very difficult for our community to do, because it means taking away some of the park space, but we realize that the question of safety is important.

Mr Grandmaître: Can you get insurance for your homes?

The Chair: That's it. Thank you very much for coming today. We enjoyed your slides, and I think we all have a little bit better idea of what we're really talking about now. Thank you very much, gentlemen.

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BATHURST QUAY NEIGHBOURHOOD ASSOCIATION

The Chair: The next presentation is the Bathurst Quay Neighbourhood Association, David Smiley. Mr Smiley, you've been allocated 15 minutes for your presentation.

Mr David Smiley: The Bathurst Quay community is a new community. It's only been around for seven years. It's located on Bathurst Quay, which is right opposite the island airport. It consists of the residents of approximately 650 apartments and town houses. There's been a strong, supportive link and relationship between Bathurst Quay and the island community.

We have many common concerns and have worked together on a variety of issues: environmental issues, water-front issues, airport issues, schooling and a number of other issues common to the downtown core. There have also been a lot of good times. A lot of people from Bathurst Quay enjoy going over to the islands. Personally, when the ice is thick enough, I enjoy skating on the canals there too.

The Bathurst Quay Neighbourhood Association supports the resolution of this long-standing fight to save the island homes. We like the idea that the residents will make the island parkland safer than if they were not there. We support the concept of eyes on the park; we think it's true. We support the community as it has shown itself to be an active and concerned community, and we'd like to see it have secure tenure. We really do appreciate the lack of automobiles on the island, and we'd like to see that sort of lifestyle continue.

The co-ops on Bathurst Quay support the concept of an island land trust. We are familiar with a land trust active in the Toronto area controlled by the co-op sector and in fact with the Harbourfront resolution are hoping to have the lands on which our co-ops are built held by a land trust. We feel that the trust will eliminate the speculation that is rampant in the downtown core. We also support the addition of the co-op to the island community, which will make the community a larger and more economically sustainable community. That's about it.

The Chair: Good; we have some time for some questions. The first questions might come from the Liberal caucus.

Mr Grandmaître: I don't have any questions.

The Chair: They might not too.

Mr Stockwell: I'm not sure mine is a question; it's more of a point of clarification. I don't even know if you want to comment on this. Maybe it's a comment that we can get from staff, and I think it was requested earlier by the official opposition.

The Chair: We have a presenter here. Perhaps we could ask a question of the presenter. If you have a different question, we could ask that of staff later.

Mr Stockwell: Okay.

Mr Marchese: I have a question that I've asked somebody else before you, and I appreciate it coming from somebody who doesn't live on the island. One of the objections from the opposition members is that the price of the lease, when you calculate it on a monthly basis amortized over a 25-year period, would be around \$360 a month. When you build in the other costs of upgrading, in terms of fire codes and other regulations that one needs to meet, and you build in the property tax and the sewer water bills and the special sewer water tax, which amounts to about \$600, not to mention higher transportation costs that they have to pay—because once they get on to the mainland, they've got an additional cost—it might come up to \$700 or so a month.

In your view, because I think Chris and others want to know that, are these islanders paying too little? Are they not paying enough for this? What is your sense of the fairness around the way Richard Johnston recommended the costs?

Mr Smiley: It seems to be the intention of the report to make it affordable for people to remain there, people who have proven that they can basically run their own affairs to a great extent. There's a real value in that, coming out of the community, the value of people's labour. The actual cost is not, I would say, high or low. It's important that there also be rent-geared-to-income aspects, and I think the co-op will provide that for people able to pay less so that the community itself would not be pulled apart by the rich and poor sort of aspects.

There's a limited return on investment. People have put up millions of dollars worth of their own time and energy over the course of X number of years—I don't know, 50 years or 30 years; it's just been way, way too long—and there's limited return on the investment. I do not see it as being either a high or a low figure. Then, when you take a look at the market right now as far as what it costs to live in Toronto, with this incredible downturn in our economy, we now see condominiums in buildings that have swimming pools renting out for about that rate, and that affords a behind-locked-doors, vertical-living type of alternative.

I think the opportunity at this point in time should be to end the very long, very costly debate and give the islanders their security so they can get on with it.

The Chair: Mr Stockwell now has a question.

Mr Stockwell: Yes, just a quick one, following up on the question by the member for Fort York. The islanders are going to be paying, if you take the \$36,000 and push it out over 99 years, reduce it back to a monthly rate or even a daily rate, a buck a day.

[Laughter]

Mr Stockwell: They're laughing. Probably if I was paying a buck a day, I'd laugh too. Working out to a month, it's \$30 a month. Do you realize that's \$30 a month for 99 years, considering the fact that you're going to pay \$36,000 for this piece of property? If you're living in an apartment in Toronto, I know people who are living in a \$600-a-month apartment—single mothers, for instance—some even higher, \$700 or \$800. At a basic rate of infla-

tion of 4%, in 10 years the rent on that same—and I would classify them almost as dumps—apartment will cost you, at a rate of inflation of 4% built in, \$1,200, yet these island homes will still cost \$30 a month. Do you think that's reasonable and fair?

Mr Smiley: Yes, I think this is the fairest solution. I think the solution, given as a whole by Richard Johnston, is an excellent solution. The question comes to mind, "What is fair?" How many people are home owners who hide money, maybe who speculate on property? If people were taxed on their profits made on the buying and selling of homes, there'd be a lot of money made. There seems to be a lot of subsidy that way in our society.

Mr Stockwell: Let's talk about a lady, a single mother, who's renting an apartment, and literally dumps, for \$600. In 10 years her rent's going to be \$1,200 and this island home will still be \$30 a month. Potentially the person who in fact could live in this home, as I know—

Ms Swarbrick: Let's talk about our rent control legislation.

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Mr Stockwell: Consider a 4% increase, which I don't think is unreasonable. Some of the people who live in these homes—I have it here—are professionals who earn considerable sums of money. I'm not saying all, I'm not saying the majority, but there are a goodly number of them. Is that fair to that single mother who in 10 years will be paying \$1,200?

Mr Smiley: Maybe it would be fair if the society had a guaranteed annual income with a spread of a one-to-three range. I don't think I can answer your question. My opinion is that this document, taken as a whole, is an excellent document, and it contains a package that I think a lot of people can live with. I think the government should go for it.

Mr Stockwell: Oh, it contains a package a lot of people could live with. I agree with you there.

The Chair: Thank you. Mr Mammoliti has a question.

Mr Mammoliti: Just to follow up on Mr Stockwell, in terms of perhaps comparing Mr Stockwell's riding to some of the potential problems that might exist when it comes to the lack of city support, let's talk about snow removal for a second here; let's talk about the sewers; let's talk about hydro; we'll talk about garbage pickup; we'll talk about debris.

Do you see the city in the future, and in your future, providing these services as they are provided for in Mr Stockwell's riding? Would the residents on the island take advantage of these services as perhaps the residents of Mr Stockwell's riding would take advantage of them? Then talk about the \$30 a month and whether or not it's worth it.

Mr Smiley: The community already chips its own wood, right? They go together and they're economically very environmentally sensitive. They do for each other and for themselves. They rebuilt the Algonquin Island clubhouse when it burned down, at no cost to the city or to

Metropolitan Toronto. They are a very different community than any other community in the city.

Mr Mammoliti: In Mr Stockwell's riding, there are a number of people who walk by his house every day picking up garbage, perhaps driving one of those—what are they called?—elephants that pick up the debris. Do you see the city doing the same thing on the island?

Mr Smiley: Not unless Mr Stockwell insisted.

Mr Mammoliti: That costs money. Every day you see garbage pickup in Mr Stockwell's riding. Most likely two times a week Mr Stockwell's home is probably picked up.

Mr Stockwell: Once a week.

Mr Mammoliti: Once a week on a regular basis.

Mr Stockwell: Except at Christmas.

Mr Mammoliti: By the same people. He probably knows them by name. In Mr Stockwell's riding as well, you would see—

Mr Stockwell: Bicycles.

Mr Mammoliti: —hydro repairs on a regular basis, perhaps on his street. You would see the police patrolling on a regular basis on his streets in Etobicoke, that lovely community of his that he represents.

Mr Stockwell: Is there a point to this?

Mr Mammoliti: Do you see the same types of services for the islanders? When I say "the same," I mean as consistent as it would be in Mr Stockwell's riding.

Mr Smiley: It says in Johnston's report, and I don't know what page it's on, that the island is a special community, and it receives less services or it will be receiving less services. They'll be doing a lot on their own. They'll be managing a lot of things on their own through the land trusts and through the co-ops. I don't see the need for the same degree of service provision as you would have within a normal city.

Mr Mammoliti: So the example that Mr Stockwell is using in terms of a renter in Metro as opposed to the \$30 a month is hogwash, isn't it? There's really no need to use that as an example.

Mr Smiley: I don't think it's a very good example.

Mr Mammoliti: Thank you.

Ms Swarbrick: I just want to add to what Mr Mammoliti has said. Unfortunately, Mr Stockwell doesn't seem to want to hear a point that I know I've made a number of times in the Legislature and here, that the comparison isn't valid for a number of other reasons either.

- (1) It's dealing only with the land and not the cost of the houses.
- (2) It's being spread over 99 years, not the 25 or 30 that most of our mortgages would be spread over.
- (3) There are clear restrictions on the use of the land in terms of whom it can sold to and in terms of the equity that can be gained from the selling of it.
- (4) There are of course the things that Mr Mammoliti was just pointing out, that the services and the living conditions which we've seen through the slides today are totally not comparable to the services and the living

conditions and amenities that are available to the rest of us in Metro.

- (5) As was just pointed out to us, the land is not comparable to the land the rest of us enjoy because basements can't be built into it, which the rest of us have.
- (6) The money is paid up front and not over a period of time, which then is a benefit to the people receiving it. That's very much a different situation that most of us have; also, we end up paying over a period of time.

I think there are a whole lot of reasons, it's very clear—and I hope you've heard it this time, finally—why the money is just not comparable.

Interjections.

The Chair: Do you have a response?

Interjections.

The Chair: Order.

Mr Smiley: I would just wonder who benefits from that renter paying that money.

Mr Stockwell: The landlord.

The Chair: Thank you very much for appearing before us today.

Interjection.

The Chair: Are we going to have to go over the rules again?

EQUITY HOMEOWNERS' COMMITTEE

The Chair: The next presentation is from Equity Homeowners' Committee. Good afternoon. You have 15 minutes. Would you please introduce yourself and your co-presenter.

Mrs Kay Walker: My name is Kay Walker. I am a pioneer. I am also a long-time resident of the islands. I'll leave my compadre to introduce herself.

Mrs Enid Cridland: My name is Enid Cridland, and I'm also a long-time resident.

Mrs Walker: The submission from the Equity Homeowners' Committee:

We represent a group of islanders, probably a majority, who consider themselves home owners.

While supporting the principles of the Johnston report:

- (1) As equity home owners, it is vital that the price we receive when we have to move or choose to move is properly adjusted for inflation. The formulas for the sale of the unused part of the lease and the equity factor must be inflation-neutral. The most recent version of the draft regulations that we have received, dated October 29, do not appear to be inflation-neutral.
- (2) A number of islanders are not sure if they will have to sell to the co-op or can afford to remain home owners. Under the legislation, this decision has to be made very soon after proclamation. These islanders would like to retain for a year their eligibility to join the co-op. After this grace period, we feel that while individual islanders should be permitted to move from one form of tenure to another—co-op to ownership or vice versa—the housing units, once established as co-op or ownership, must remain in these categories.

- (3) Mr Johnston recommended that home owners receive a modest 1.5% equity factor that he termed a "longevity bonus." He suggested that this recognition of longevity start on the day when the legislation goes into effect. As he constructs it, the years of longevity that many islanders, particularly seniors, have contributed are totally ignored. Therefore, we feel that all seniors, not just those proposed as being in need, should receive the benefit of the 25% deferral on the price of their land lease.
- (4) We are concerned that there is no appeal procedure should the land trust board choose to proceed with a development that home owners oppose. Because the legislation removes the island from the Planning Act and the environmental review act, the decisions of the land trust board are final. We feel that there should be an appeal procedure.
- (5) Should the province and Metro agree on market value taxation, we are concerned that we will be taxed on a market value basis, when the fact is that our homes will be sold for far less than market value. The bill gives us no protection that our assessment will be the formula resale price mandated by this legislation.

In conclusion, much as we all long for a solution, we submit the above in the sincere hope it will assist the committee for a durable solution. Thank you very much.

1650

Mr Stockwell: A quick question. I'm really curious about your market value assessment comments. What are you assessed at right now?

Mrs Cridland: The same market value the whole province of Ontario is.

Mr Stockwell: So what's your assessment on your property? Any idea? What's the assessment on your property?

Mrs Cridland: What does that-

Mr Stockwell: Okay, what do you pay in taxes?

Mrs Cridland: This six-month bill I just got in was \$736.

Mr Stockwell: So you pay \$1400 for the year.

Mrs Cridland: Yes, I guess so.

Mr Stockwell: Have you seen what you'd be assessed under market value assessment? Did you phone your local councillor to find out?

Mrs Cridland: Yes, I have, but I-

Mr Stockwell: You don't know what it is.

Mrs Cridland: I think it's— Mr Stockwell: You're not sure.

Mrs Cridland: No.

Mr Stockwell: How about yourself?

Mrs Walker: My four-month bill is four times \$117. That's my first half.

Mr Stockwell: Four times \$117?

Mrs Walker: Yes.

Mrs Cridland: You've got \$468. Mr Stockwell: And that's half-year.

Mrs Walker: Yes, for 800 square feet of a house.

Mr Stockwell: Right. So your full would be something under \$1,000.

Mrs Walker: Just bordering on a little over \$1,000, because the second section is higher.

Mr Stockwell: Could be higher, right. Okay, that's good. Thanks.

Mr Marchese: A quick question. The land trust would be the body that would make the final decisions on most issues, and you're saying there's no other appeal process to which you can go. If there should be an appeal, where do you think you might appeal to?

Mrs Cridland: I don't know. Maybe we could set it up so that if some of us wanted to appeal something, we could go to the land trust board and appeal it.

Mr Marchese: The land trust board is the body that hears all cases and would make all the decisions, and you're saying that's not good enough; you need another level of appeal should something work against you.

Mrs Cridland: I guess I was looking at it from the point of view of hearing people say that maybe if they didn't like what was going to be built by them, they would like somewhere that they could perhaps appeal it. I don't know.

Mr Grandmaître: Question, Mr Chair: The land trust board will be appointed through cabinet, right?

Mr Stockwell: Yes.

Mr Grandmaître: Well, that would be an appeal process. They could appeal to cabinet. The province owns the land. They will be appointing their own people, I promise you.

Mr Mills: No, that's not true.

Interjections.

The Chair: One at a time.

Mr Stockwell: Rosario's got to find a job after the next election.

Mr Grandmaître: I think these people have got a very important point. I think there should be an appeal process, because they could be out of a home if they can't afford it. Where do they go? There's no guarantee.

The Chair: Further questions? Seeing none, thank you very much for appearing before us today. This concludes today's hearings.

Mr Stockwell: Can I ask a question?

The Chair: Oh, yes, that's correct.

Mr Stockwell: I just want to make it very clear, or I'd like research to make it very clear. There seems to be some confusion, particularly with the picture display, the slide show we had. There's some debate about ownership of the property and so on and so forth, and I know the member from Scarborough was asking a question of Mr Johnston this morning. I would just like research to come back with a very clear answer. As far as I understand it, in my few years around this issue, there's little if any debate. The Supreme Court had ruled that Metropolitan Toronto owned the land; they owned the houses, they owned lock, stock and barrel.

Mr Holt: Wrong.

Mr Stockwell: I get "wrong," and there could be a wrong, there could be a right. That's why I would like

research to bring forward the exact phrasing or terminology from the decision handed down by the Supreme Court and the legal opinion. I think you'll find, if you read it, that that's what they ruled. Metropolitan Toronto was the owner of the land and therefore, by owning the land, it owned the homes as well. But let's just see. I don't want to pass comment now. Let's just get research to do it and put this to bed once and for all.

The Chair: To be clear on what you're asking me: Is the committee's researcher to provide that or the ministry to provide that?

Mr Stockwell: I would like the committee researcher to provide that, just basically review the Supreme Court decision, because I think you'll find it's outlined very clearly in the Supreme Court decision.

The Chair: That's a reasonable request. We'll undertake to do that. Ms Swarbrick and then Mr Eddy.

Ms Swarbrick: I have no objection to checking into that kind of history. I would just point out that in fact court

decisions have oftentimes in the past been the reasons for legislation to be put forward afterwards to actually deal with what the public will wants done in a situation when the public will is different than what a court case was. So your request, of course, will need to be put in the proper historical context, which is that.

Mr Ron Eddy (Brant-Haldimand): I wondered, are all of the residences now in use served with municipal water and municipal sewage? Is that the way it is.

The Chair: I see a lot of nodding of heads out in the—

Mr Eddy: It's completely serviced, all residences?

Mr Stockwell: Yes, paid for by the city of Toronto taxpayers.

Mr Eddy: Thank you.

The Chair: As the only other person in the room who lives on an island, I shall adjourn the meeting.

The committee adjourned at 1656.







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Toronto Islands Residential Community Stewardship Act, 1993

Comité permanent des affaires gouvernementales

Loi de 1993 sur l'administration de la zone résidentielle des îles de Toronto

Chair: Michael A. Brown Clerk: Franco Carrozza Président : Michael A. Brown Greffier : Franco Carrozza

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Wednesday 27 January 1993

The committee met at 1009 in committee room 2.

TORONTO ISLANDS RESIDENTIAL COMMUNITY STEWARDSHIP ACT, 1993 LOI DE 1993 SUR L'ADMINISTRATION DE LA ZONE RÉSIDENTIELLE DES ÎLES DE TORONTO

Consideration of Bill 61, An Act respecting Algonquin and Ward's Islands and respecting the Stewardship of the Residential Community on the Toronto Islands / Loi concernant les îles Algonquin et Ward's et concernant l'administration de la zone résidentielle des îles de Toronto.

The Chair (Mr Michael A. Brown): The standing committee will come to order. The business of the committee is to consider Bill 61. We are in the process of conducting public hearings—

Mr Bernard Grandmaître (Ottawa East): With or without the Tories.

Mr George Mammoliti (Yorkview): Where are the Tories? They're always missing.

The Chair: Order.

COALITION OF CITYHOME TENANTS

The Chair: The first witness today will be the Coalition of Cityhome Tenants. Good after—good morning.

Mr Lee Zaslofsky: Good afternoon. Mr Grandmaître: Time really flies. The Chair: Yes, time really flies. Mr Zaslofsky: I feel the same way.

The Chair: Good morning. The committee has allocated you 15 minutes for your presentation.

Mr Zaslofsky: Right. Thank you, Mr Chair. I'm very grateful to the committee for the opportunity to come before you on this issue. I represent the Coalition of Cityhome Tenants, which is made up of people who are tenants in the Toronto Non-Profit Housing Corp, commonly known as Cityhome.

Cityhome buildings for the most part are located on publicly owned land and have been built under a series of ever-changing agreements among various levels of government, and amount to social housing with a market component. Many tenants are on rent geared to income or other forms of assistance. So the coalition, I think, represents a cross-section of people in Toronto who are concerned about housing and concerned about affordable housing because they live in a variety of it.

The reason I'm here before you today on behalf of the coalition is that we regard the island issue as a very important issue for two reasons. One of them has to do with the land trust arrangement, which we regard as a pioneering arrangement that could very well be extended to other locations and other types of situations possibly in the future,

including some Cityhome situations. The other reason is the idea of community, which we think, as tenants, is very important, and community management of the housing in which people live as an important component of community building.

Personally, I've been a downtown resident for lo these many years now—I'd say over 20 years—and I've always been conscious of the island issue as a major background or context to my residence in the downtown of Toronto. I think most of us living there for any length of time have felt that way.

I was once canvassing a neighbourhood on an issue similar to the island issue in which a community was resisting some grand plans that had been made for it elsewhere and by other people far more important than they when I ran into an older man from eastern Europe. His English wasn't totally perfect, I guess. When I told him about the issue and asked his opinion and so on, he merely shrugged his shoulders with a wry smile and said "nichevo." I know a little bit of Russian, so I pursued it with him. I said: "What do you mean, nichevo?" That sort of means nothing, like a verbal shrug.

He said: "Well, in Russia we used to have situations like this, and the police would come or the government would come and tell us that something had to be done in our community, something had to be knocked down or built or moved around or something, and some of us would say: 'But no, no. That's the wrong way to do it. We don't want that.' The government officials would just shrug their shoulders and say: 'Nichevo, nichevo. Your objections have no meaning. Your objections are of no account. Just move.'"

Of course, in the Soviet Union in the old days that was a pretty effective tactic and I guess people just learned to take that with a wry smile and avoid any more open opposition.

The island residents, fortunately for the rest of us in Toronto and in Ontario, did not take a nichevo type of attitude to the situation. They decided that they would put the existence of their community forward as a major value and that they would put a lot of effort and work hard together to save that community. As I say, as a downtown resident and to us as tenants in sometimes very threatened communities, it's an example of how a community can come together democratically to work out a solution and stick together and sort of take a stand against the modern trend of just complying with everything the big guys tell you to do.

I'd like to move, after my emotional outburst there, to something a bit more specific. I like the land trust idea very much, and I think we like it very much, because it includes several components that I think we've been striving for around Toronto and around the province. It's all very well for the government to plan things, and certainly

that's more democratic than just leaving it to the corporations or business, but it's not enough. It doesn't include, very often, the kind of ongoing participation that is so necessary if a community is to be formed and maintained.

The land trust seems to provide an alternative that would give an opportunity for a committee to come together on an ongoing basis and make those decisions together on an ongoing basis that will give a context to their community. Although it's a first time, as far as I understand it, that it'll be arranged in the way it'll be on the island, I think it's a really good thing to be doing. With the island residents, as I know them to be active and concerned people, I think it's got a very good chance of actually working as opposed to being one of those ideas that sounds good on paper but may not work.

I think we have the people on the ground there who will give it life. One aspect of that is community management, of course. In Cityhome and in many other varieties of social housing, as you know, management by tenants and by the residents has become a bigger and bigger issue.

The reason for this is that, I think many of us agree, some criticisms that have been made of oversize bureaucracies are true. It's very difficult for large bureaucracies to understand the perhaps very intimate conditions and intimate questions that go to making up a smaller community such as a building or a group of buildings in a downtown or a group of buildings in a suburb.

It's really important to get the people who live there involved in a real way, not in a phoney way by calling them to a meeting once in a while and telling them what's going to happen and asking their opinion and then going and doing what you want, but giving them real power to make decisions. I think in this case the community trust is a way of doing that.

I like it also because it's a way of keeping the land in public ownership without simply attributing it to some huge, distant bureaucracy to administer. It's a way of keeping the land and keeping affordable housing while ensuring that there's a community management component.

I like the idea that there's no windfall profit going to be going to the lucky people who happen to be residing on the island or in any other such arrangement. I think that type of thing has often led to gross distortions in planning and gross distortions in communities. I think it has contributed very heavily to the breakdown in family values that so many of us are concerned about but attribute the problem only to actions of government. A hotly speculative market can break up families and put families under far more stress than a lot of government activity can. I'm glad to see that there's not going to be that factor of windfall profit, of everybody rushing to the trough to try to get theirs before the other people do.

As a tenant and as the president of the Cityhome coalition of tenants, just to sum up, I'd like to say that I strongly support this bill. I hope the members of the committee and a majority of the Legislature will support it—I know not everyone will—that the bill will become law and that we'll have an opportunity to observe it in action because it embodies two of the values that we think are really important; that is, building community with a strong

component of community power over its own arrangements, and the principle of public ownership, affordable housing and non-profit housing.

Thank you for the opportunity to address you. I'll give it my best shot to answer any questions you may have.

The Chair: Thank you. I'm looking at the government caucus. Miss Swarbrick.

Ms Anne Swarbrick (Scarborough West): I'm sorry I was late.

Mr Zaslofsky: That's quite okay.

Ms Swarbrick: I'm just wondering, as somebody who knows a number of people who are on very low incomes: There's been some question whether buying a 99-year land lease for \$36,000 or \$46,000 under the conditions here is something that would put off some other people with low incomes who might not be receiving their apartment unit at a terribly low rent rate. What's your sense in terms of how people will respond to this?

Mr Zaslofsky: I regret that's being made into such a major complaint. My feeling is that anyone who wanted to buy a house and had those limitations on it and had those explained to him and was really interested in home ownership, would get up and walk out of the room and say: "Don't give me that garbage. That isn't what I want at all. I want a whole variety of other rights that this arrangement does not have."

As far as low-income people are concerned, I would say that although we are going to see how this works in practice and we may have to iron out some problems and so on, I would say that for many low-income people it might be a good example of what could be in their future. If we can make this work, there might be other examples they could participate in.

I'm very concerned that some people seem to think a community working together is a threatening force and has to be subjected to a whole bunch of abuse and threats and all sorts of things like that, when in fact what we've seen is a community working with government and working with others to build an arrangement that works for everybody. So I think low-income people can look at this arrangement with some hope.

1020

Ms Swarbrick: You share my potential excitement, I think, at the idea of this possibly being a model for finding more ways to create more affordable housing through removing the element of land speculation from the cost of land.

Mr Zaslofsky: Not only that: I think it gives people an assurance of tenancy that other arrangements are less capable of giving.

Mr Grandmaître: Let's follow up on the arrangements. You qualified them as a whole lot of garbage. Can you qualify this?

Mr Zaslofsky: What I was referring to is that I think there's been a lot of criticism, a very misleading and distorted criticism, of the island residents themselves. As I said, I'm a downtown resident and I know islanders as perhaps some members here might not because, of course,

you're from other parts of the province and so on, and some of the charges and comments made against them seem to come from a visceral resentment of something that has absolutely nothing to do with them.

My feeling is that they've been resourceful, they've been assertive, if not aggressive, at times, and they've been persistent and they've been tenacious. Those are virtues that, if used well and used wisely, as I think they have been in this case, go to build a community. When those qualities are viciously, abusively attacked and set up as some kind of terrible way to behave, it seems to me to reinforce that consuming, passive kind of approach to life that so many of us have been concerned about: Politics is a bunch of products; you take your pick; if you don't like the products you sit back and whine, and when you whine you get resentful, and you sit and get resentful and watch TV and curse at the politicians on TV. But when do you really do something about it?

I think the islanders have said: "We're not going to sit back and whine and complain and say 'nichevo' and give wry smiles and wink at each other and say, 'That's life.' We're going to do something about it, and we're going to do it in the proper way. We're going to use every resource at our disposal within the law and within good citizenship to achieve a goal that everybody can respect."

Mr Grandmaître: In other words, the arrangement or the setup or Bill 61—you do agree with Bill 61?

Mr Zaslofsky: Yes. I think Bill 61 is a good bill.

Mr Grandmaître: You don't have any qualms with people paying \$36,000 or \$46,000 for a 99-year lease? You think this is fair for low-income people.

Mr Zaslofsky: I think it is fair in these circumstances, yes I do. When you look at the deal these people are getting and what they had to go through to get it, I hope you would see the justice of it as well.

Mr Grandmaître: One last question?

The Chair: No. Mr Stockwell.

Mr Chris Stockwell (Etobicoke West): You made the suggestion that if you made this offer to the public they would refuse it simply because it's not what they want. You're suggesting to me that if this offer was made to just the general public, the public domain out there, you wouldn't get any takers?

Mr Zaslofsky: No, that's a distortion of what I said. What I said was that if someone wanted to buy a house and went to a real estate agent, and the real estate agent offered them this deal on a house, they would say: "This is absolutely not what I want. I want equity. I want to be able to sell and all that."

Mr Stockwell: And the question is: If you did make this offer to the public domain, do you think you'd get any takers?

Mr Zaslofsky: I think you'd get some takers, yes.

Mr Stockwell: Lots?

Mr Zaslofsky: I'm not sure, but I think a lot of people would want to see how this works first, frankly, because choosing your house is an important—

Mr Stockwell: You don't know whether or not you'd get a lot of takers to buy a piece of property in Toronto Islands for as little as \$36,000 for 100 years. You're not certain whether you'd get a lot of takers.

Mr Zaslofsky: Well, I also think that a lot of people who want to put \$36,000 into housing are going to want to take some equity out and they're going to want to have the ability to make some profit on it.

Mr Stockwell: You think the people would want to make profit on their \$36,000 investment.

Mr Zaslofsky: I think a lot of people would, yes.

Mr Stockwell: Considering the fact you can't buy a garage in Etobicoke, where I live, for \$36,000.

Mr Zaslofsky: I don't know about garages in Etobicoke, but I do know that a lot of people who want to get into the housing market—

Mr Stockwell: Considering those facts, though, that the average price of a bungalow in Metropolitan Toronto is probably \$200,000, and that any kind of home in this kind of setting would run you \$250,000, you think it would be unusual for people to be taking up this offer?

Mr Zaslofsky: I think a lot of people who want to buy housing are looking for more than simply the residential accommodation. They are looking for equity in that housing. The equity deal they're getting here is a poor deal.

Mr Stockwell: That wasn't the question, with all due respect. The question was very clear. You would find it surprising to find a significant number of people standing in line to get this deal?

Mr Zaslofsky: Once people see how this works, I think they will think that they would like deals like this themselves. Many people, perhaps, will take also the attitude that, "If someone else gets it and I can't immediately get it, then I'm going to resent those people and try to destroy what they've got."

Mr Stockwell: Sir, I'm not asking you what people will think. I just asked you what—

Mr Zaslofsky: I thought you did me ask what people thought.

Mr Stockwell: No. I just asked you whether or not there would be a lot of people standing in line for this deal. That's all I asked you, and you don't know.

Mr Zaslofsky: That's right, I don't know.

Mr Stockwell: Next question: What is the rent you pay right now?

Mr Zaslofsky: I pay \$624.

Mr Stockwell: Six hundred and twenty-four dollars a month. Do you have any guarantees that that will be \$624 a month for the next 100 years?

Mr Zaslofsky: Certainly not.

Mr Stockwell: And you think it's a reasonable request that the islanders be given a rent factor, in essence, of \$36,000 that will guarantee their rent for 100 years?

Mr Zaslofsky: I would say this as well: that in Cityhome, because of the housing market recently, there have been some declines in rent.

Mr Stockwell: So in essence you think— The Chair: Thank you, Mr Stockwell.

Mr Stockwell: That's interesting, though, declines in rent. In 100 years we'll probably see rent at a buck a day.

The Chair: Thank you, sir, for appearing before us today.

Mr Zaslofsky: Thank you very much, Mr Chairman.

Mr Mark Morrow (Wentworth East): A point of clarification, please.

The Chair: Sure, though I'm not sure what a point of clarification is.

Mr Morrow: Just for a point of clarification, these people are not paying rent for 99 years. They are purchasing property.

The Chair: Let's not start debates here.

I would like to bring to the attention of members that we are working on the agenda that is the pink agenda. It's important that you look at this agenda because there are some changes in times, and if there's a problem with that, the Chair would appreciate knowing. As you know, we've been scheduling to open up Thursday afternoon and there are some extensions of times required in order to do that. It would be helpful to know at the earliest possible moment that you have some problem with the scheduling.

The other thing I should mention, and I should have done this yesterday, is that the researcher and I have had a discussion about preparing the report for the committee. Obviously, finishing committee hearings at 12:30 on Thursday afternoon will not permit having a full report for the committee by 2 o'clock Thursday afternoon. That almost goes without saying. Ms Luski, under my instructions, is going to prepare a report which will be available for committee of the whole or for third reading for members, but it's impossible to have it ready Thursday afternoon. If there's any problem with that, I'd like to know too.

Mr Stockwell: You can probably start your report today. I think I know the government.

The Chair: I'm told Ms Luski will have an interim summary tomorrow morning for us. We will continue.

1030

INNER CITY LAND TRUST

The Chair: Our next presentation is from Inner City Land Trust, John Harstone, manager. Good morning. The committee has allocated one half-hour for your presentation. We always appreciate it if you allow some time for questions and answers following your presentation.

Mr John Harstone: I was actually aiming for 10 to 15 minutes, so I think I can accommodate you.

The Chair: That's excellent. The members like to have conversations with you.

Mr Harstone: I hope I can provoke some questions as well. I think there's a lot to talk about in this.

Thank you very much for giving me an opportunity to address your committee. I was asked by the Toronto Island Residents' Association to speak to the committee about land trusts.

I think first I should start by telling you something about the organization for which I work. I'm the manager of the Inner City Land Trust. Inner City was set up by the Co-Operative Housing Federation of Toronto in 1986 as a land trust for housing co-ops in the greater Toronto area. Inner City's actually the largest of the three land trusts that are currently operating housing co-ops in Ontario. We have 14 co-ops in the trust, and that represents about 2,300 units of affordable housing. Inner City owns the land and leases the land on a long-term basis to the co-ops. The co-ops then build an affordable housing project on it and rent the individual units to their members.

The board of Inner City is appointed by the Co-Operative Housing Federation of Toronto. The federation has 130 co-ops as members throughout the Toronto area. In addition, we're affiliated with the Institute for Community Economics, which is an association of community land trusts in the United States; about 100 community land trusts are part of that association.

Although Bill 61 does not refer to the corporation that will own the residential land on the island as a land trust, Richard Johnston conceptualized the corporation in his report as a land trust and throughout his report the landholding corporation was referred to as a land trust. So I think it's fair to talk about a land trust even though the bill itself doesn't really address that directly.

A land trust is a non-profit organization which owns the land for the benefit of the community. There are actually over 1,000 land trusts in North America. Most of them are environmental land trusts which own ecologically sensitive areas such as wetlands and old-growth forests. There are a few agricultural trusts which have been set up to preserve land for family farms; I know the Ministry of Agriculture and Food was looking into that as an option in Ontario.

In recent years, land trusts have been established in urban areas. Urban land trusts are commonly referred to as community land trusts. These land trusts are set up to guarantee that an individual cannot profit from an investment made by the community—by the way, that's either the government or the community itself—in affordable housing and that the housing would remain affordable for lowand moderate-income families in perpetuity.

A cooperative housing land trust like Inner City leases its land only to cooperative corporations. A community land trust, which is what the ones in the United States primarily are, and a few in Canada, particularly in Quebec, leases its land to families which own the houses that are built on that land.

So I'm going to talk about community land trusts because I think that's really relevant to the island situation. They have three characteristics. Buildings on the land trust land are leased to the occupants on a long-term basis which provides security of tenure. The lease between the land trust and the occupants limits the profit that can be made when the building is sold; there's no speculative gain. There's broad community representation on the land trust board of directors. The trust is democratically controlled.

In the United States, community land trusts have become an important tool in the development of affordable housing. Connecticut, Wisconsin and Vermont are among the states which have enacted legislation which either sets up or defines community land trusts. However, none of the American legislation is as comprehensive as Bill 61 or goes into that level of detail.

In October 1992, the US Congress defined a community land trust in an amendment to section 233 of the Cranston-Gonzalez National Affordable Housing Act, and this amendment makes community land trusts eligible to receive assistance to organize and set up new land trusts. It does not provide assistance to develop housing on the land owned by the land trust, which of course is really where the greatest need is, but all they're doing at this moment is helping people get them organized.

What I'd like to do is to focus on the mechanism which is discussed in that legislation as to how a land trust should be set up and how the board is operating. In order to be eligible for federal assistance, a community land trust in the United States must guarantee that one third of its board is elected by residents who live in the houses that are built on land that is leased from the trust—elected. One third of the board has to come from the general community, must be elected by the community. Community directors cannot live in houses leased by the trust. Then the legislation sets out that the balance of the directors are going to be elected from the general membership, and the general membership is open to anyone who lives in the particular geographical region which the land trust was set up to serve.

The formula ensures that the board will always have one third from the community, one third from the residents, and then the balance—well, it depends from land trust to land trust as to whether or not the majority are the residents or in fact from the community. The formula was designed to create a balance between the interests of the residents and the interests of the community.

I think the American experience is relevant because community land trusts in the US are dealing with exactly the same issues which are facing the Toronto Islands. All the houses built on the land owned by a community land trust are owned by the residents; only the land is leased. The American land trusts have been successful in limiting the profits when a house is sold. There are several different formulas which have been incorporated into the leases, and I'm not going to go into what they are, but if people are interested, that information can be provided. All of these formulas limit the profit on resale to a reasonable amount of return on investment and prevent residents from cashing in on high prices which are created by market conditions.

Community land trusts have given the Americans a tool to create perpetually affordable housing which is owned by the residents. It is very different. Here we have our perpetually affordable housing, which is done as social housing, which is a partnership between non-profit organizations and the government. There the partnership is very much between the individuals and the community land trust to come up with a way for individuals to be part of the solution. It's very much what's going to be happening on the island.

The residents have to get a mortgage, which they are responsible for paying off. There is no government assistance or guarantee available for these mortgages. This is one of the things which you will be doing on the island, putting up those government guarantees.

Land trusts in the United States are now well enough established that Fanny May, which is one of the pools of mortgage-backed securities, has actually agreed now to lend money to families who are buying houses on leased land. This means they are able to tap into excellent financing terms.

Convincing lenders to lend money to families buying houses on leased land was not an easy task. It's something new. I think Lee Zaslofsky was right, even finding people wanting to buy houses on leased land will be something new. But it was essential to be able to get this acceptance to make the community land trust viable.

The American model has much to recommend itself if we're moving to less government involvement and less government funding for affordable housing. The development of affordable housing in Canada to date has been very expensive. Community land trusts are a cost-effective way of developing permanently affordable housing and may be an appropriate way to develop ownership housing on provincial lands because of the mechanism of leasing the lands and putting limits in the lease on the resale value.

Community land trusts are democratically controlled by the community and the residents. The board members are accountable to the constituencies which elected them. We would like to recommend that the committee consider amending Bill 61 to include a provision which gives the island residents the right to directly elect a portion of the board of the corporation that will own the land. At this moment, I think the regulations say that two thirds of the directors on the corporation will be from the island community. We feel that it would be appropriate to set up a direct elective mechanism where residents get to elect directly people on to the board.

If the eventual goal is for the island to be self-financing and responsible for the upkeep of the land, the board needs to be democratically controlled. If that board is going to be levying fees and charges, then the people who are going to be setting out those fees and charges should be responsible back to the people who are going to be paying them. I think the best way to do that is through a democratically elected mechanism. I recognize that there are some reasons why the government might wish to go through a process of appointing it through order in council and taking recommendations rather than an election, but I feel that the success of the island community may hinge upon how well that board represents the interests of the people on the island.

I think it's unfortunate that the decision was made not to call the corporation that's going to be there a land trust. I think that the government is missing an opportunity to use the island as a creative solution which can be shown as an example of how to develop a land trust to deal with permanent affordable ownership housing. I think that it's a kind of leadership we need to deal with some of the housing issues that are facing us.

In closing, I'd like to say that I'm very pleased that Richard Johnston's report recommended the use of a land trust as a vehicle to resolve the deadlock around the islands. I think land trusts have enormous potential to allow local communities to have a say over land use issues, and the use of a modified trust on the Toronto Islands will provide more exposure to the concept of land trusts, which we hope will lead to the inclusion of land trusts among the possible solutions to the housing problems that currently face us.

1040

Mr Grandmaître: John, I'm learning something about this land trust business. Did you say you were the manager of 14 different co-ops?

Mr Harstone: No, no. Inner City owns the land on which 14 co-ops are built. The co-ops are managed by the residents. They each elect their own board of directors. They have arranged their own financing and built the buildings on that land.

Mr Grandmaître: Okay. Can you give me an example of one of the arrangements that you have with these co-ops that resembles the setup in the Toronto Islands that this bill is trying to create?

Mr Harstone: No. In fact-

Mr Grandmaître: There's none.

Mr Harstone: The example that we're working on right now—we're a cooperative housing land trust, and I think that there is no precise example which would work, because we're leasing the entire site to a corporation. You're going to be having a land trust here on the islands which is going to lease each individual house lot to the individuals. There are over 100 land trusts in North America which do exactly what the Toronto Island land trusts are doing, but we're not one of them.

Mr Grandmaître: You're not one of them.

Mr Harstone: We're not one of them.

Mr Grandmaître: Okay. Follow-up, Chris?

The Chair: No more questions from the opposition?

Mr Grandmaître: Not for now.

Mr Stockwell: As I read up on the American land trust process, I was left that there were no entitlements involved from the government; there was no money involved from the government per se. Generally land was assembled through the trust or through some other third party. Market value was paid in instances where it was had or it was government land that they reciprocated by buying it. Is that a fair statement?

Mr Harstone: No, I wouldn't say it was a fair statement. There was absolutely no government assistance. What has happened recently is that governments have seen the land trust as being a solution and have provided support for the development of land trusts. There have been a number of cases where the land trusts have been given abandoned houses where the municipalities have taken over for tax purposes. By and large, the land trusts have received some government assistance, but it's not assist-

ance to develop the housing. A lot of it has been assistance in getting organized, getting set up.

Mr Stockwell: I appreciate that.

Mr Harstone: But there's very, very little assistance—

Mr Stockwell: Actual money changing hands. **Mr Harstone:** Little money changing hands?

Mr Stockwell: From the government—

Mr Harstone: Oh, the government's not passing money over to the land trust. That's true.

Mr Stockwell: Right. And the land trust itself is set up with a board. They then assemble the property—

Mr Harstone: Yes.

Mr Stockwell: —then figure out the actual costs, because they've got to service this debt, and then they parcel up the properties individually to the prospective land owners. Is that—

Mr Harstone: To the prospective tenants, or to the lessors, yes, the people who are buying the houses.

By and large, one of the major differences between what's going to happen on the island and in the States is that in the States they're not being asked to buy the land up front. They are being charged a lease price, and what they generally do is write it down to being very, very little. It's almost a lease price based on your ability to buy.

Mr Stockwell: Like a mortgage.

Mr Harstone: No, not at all. No, I'm sorry—

Mr Stockwell: Well, as I understand it, it's built like a mortgage: You pay more in the beginning and it's reduced.

Mr Harstone: No. In fact, I think you'll find that the typical community land trust in the States will write in that the monthly lease rate on the land is \$500 a month and they forgive it or drop it down to \$20 or \$50.

Mr Stockwell: How do they service their debt then?

Mr Harstone: They don't, generally speaking, have any debt on the land. They've been able to get the land at very, very low prices.

Mr Grandmaître: It's all crown land?

Mr Harstone: They don't have crowns any more. They have been given it by the municipalities because it has been abandoned or the land has—the land costs in the States are significantly lower than Toronto, which is one of the differences, so the land is carried for much, much less than it is here.

The other thing about a general—what occurs often is that a number of different people within the community, businesses, corporations, are buying up the land and they're giving it to the land trust. This is the only way these things are actually working.

Mr Stockwell: Last question, Mr Chair. I suppose that's the point I was driving at. The cost of the land assembling is marginal, to say the least.

Mr Harstone: Yes.

Mr Stockwell: As you said, it's abandoned buildings or recouped through taxation, through non-payment of taxes.

If you assess value for these lots, some have suggested they're anywhere from \$200,000 to \$500,000 per lot. How then would you expect the owner of this property, ie, Metropolitan Toronto, to recoup its money, if it's \$250,000 to \$500,000 per lot, back through a land trust format?

Mr Harstone: I think they should give it back to the city of Toronto, which gave it to them in the first place.

Mr Stockwell: But they don't want to give it back.

Mr Harstone: No, no. What happened is the city of Toronto gave the land to Metro. In fact, it appears the Indians gave it to the city of Toronto.

Mr Stockwell: Well, maybe.

Mr Harstone: Maybe we should be passing this money back to the native community.

Mr Stockwell: Maybe, but the fact is they gave them the land for a buck because—

Mr Harstone: If we're going to be talking about—

Mr Rosario Marchese (Fort York): Let him finish, Chris.

Mr Stockwell: I just want to be clear. They gave them the land for a buck because it was a huge headache in the 1950s and they passed it to Metro, much like they passed the Canadian National Exhibition, which was losing money. They passed it to Metro for a buck, which assumed control and all the losses.

Mr Harstone: I thought that was leased land from the crown.

Mr Stockwell: This is what took place in the 1950s. Metro, the owner, is different from the American owners. Metro, being the owner, doesn't want to give the land up. They want value for their land or they want to make it park.

Mr Harstone: If you're telling me that the value of that parkland on there is—how many residents are there on the island?

Mr Stockwell: About 250.

Mr Harstone: About 258 houses or whatever? Let's say it's 80 houses, and you're saying that, gosh, that works out to \$16 million. I think the value of parkland you've just put on the Toronto Islands is a bit high on the parkland value. I'd say that parkland prices right now, from my experience, we're running in the greater Toronto area about maybe \$250,000 an acre. If the municipality's going to take it off a developer, they're going to pay the developer about \$250,000 an acre.

Mr Stockwell: But it's park. This is developed housing.

Mr Harstone: No, no, no. You're talking about it as parkland for Metro. Metro had it as park, and they said, "What's the value of parkland?" The parkland value's \$250,000 an acre.

Mr Stockwell: Forget it.

Mr Harstone: I'm just saying that for Metro—

Mr David Turnbull (York Mills): You can't have it both ways.

Mr Harstone: I agree, but if you want to know the— Mr Turnbull: You're trying to have it both ways. **Mr Harstone:** I'm not trying to have it either way.

Mr Stockwell: You want to call it park and say it's worth \$250,000 an acre, yet you want to put 250 homes on it. Then it's worth \$250,000 a home. You can't do it both ways.

Mr Harstone: No, no. What's the land value? The land value isn't \$250,000.

Mr Mammoliti: Mr Chairman-

The Chair: Yes, Mr Mammoliti. I agree.

Mr Stockwell: On the open market it would be on these homes.

Mr Mammoliti: Mr Chairman, a little bit of control.

Mr Stockwell: If you went to the open market, it would be worth \$250,000 a home to Metro. There's no debate about it. That's a fact.

Mr Harstone: Yes, there would be. I'm sorry. I will debate that. I do not believe that is the current value. Do you have an appraisal which says you can get that kind of price for that lot?

Mr Stockwell: Yes, there are appraisals from Metropolitan Toronto and the city of Toronto that suggest the homes are valued at X amount of money, which is significantly more than \$36,000.

Mr Harstone: No, no, no, I'm talking about the lot. You're only talking the lot, right?

Mr Stockwell: Yes.

Mr Harstone: That would be an awful lot for an unserviced lot.

Mr Stockwell: Of course it is, but live in Metro Toronto. It costs you an awful lot of money.

Mr Harstone: I'm sorry. I live in Metro Toronto and I know what house prices are. I also happen to know that the house I live in dropped 50% in value from 1920 to 1940, went up again and went down.

Mr Stockwell: Okay. Say it's \$150,000.

Mr Harstone: Even that I think is a bit high for an unserviced lot.

Mr Stockwell: It's serviced with sewage. It's serviced. Look, if you put these on the open market, you're going to get \$200,000 a pop for a home on the island. Very few people who are going to debate that with you; there's just not a lot of debate. People would buy them, sure, and use them as cottages per se, but Metro would receive \$200,000 a pop. If you went into any park in Metro and decided to parcel it up as building units, you'd get that kind of dough, because it's a nice setting to live in for the summer. There's a lot of money in this city and people would pay it.

Mr Harstone: It depends on the limits that are put on what can be built there. Yes, I suspect you can make an enormous amount of money if you say, "You can build a monster home there if you don't get your cottage." I don't think people are going to pay \$250,000 to continue living in a cottage. People who are paying that kind of money for lots up in North York generally rip down the little cottage that was there and build something at 4,000 square feet.

Mr Stockwell: I completely disagree with that. I'd like to get those properties for \$36,000, parcel them up and sell them off for \$250,000. I'd be very wealthy.

Mr Grandmaître: Is this a deal?
The Chair: Order. Mr Marchese.
1050

Mr Marchese: I'm going to try to give John an opportunity to speak uninterrupted after my comments.

Part of my understanding, which is clearly laid out in everything we've done, is that Metro gets its share. They're getting an equivalent amount of land in the Lakeshore area and other arrangements they've made. As far as I know, they're happy with that. Chris doesn't seem to be happy and I suspect some other members of Metro are not happy because they want them out, although Chris is saying he doesn't want the islanders out—I think he said that before in the Legislature—that he's looking for a different kind of arrangement.

Mr Stockwell: Through attrition we'll get them out.

Mr Marchese: Oh, through attrition. So he does want them out. Okay, that's a bit clearer.

Metro will be getting its fair share in terms of equivalent land. The city will be getting its \$12 million that it has paid in rent over the many years, which I think is a fair exchange of dollars based on what has happened over the years. So I don't see this as an unfair arrangement for anybody in terms of who should be paid off and how all of that has happened.

But the question I want to raise with you—because Mr Stockwell raises this, and I think it confuses the whole issue; he may not, but I think it does—is that what we're discussing here are two different kinds of things: freehold and leasehold. Freehold means you own the house and the land; leasehold means you own the home but not the land. Mr Stockwell makes the assumption that the two are the same: "Some city person's land is worth this much, and why isn't this home on the island worth the same?" He compares them in similar ways. If you have freehold, which means you own the house and the land, but leasehold means you just own the home but not the land, it's very different. That is why Mr Johnston created the financial arrangement he did, recognizing—I don't know if Chris is listening—limited ownership.

Mr Stockwell: I've heard it before and I don't agree with it.

Mr Marchese: Well, that's the difference. Our assumptions are different and that's why we come to different conclusions. This is why it's making it affordable to a lot of people on the island, who are not as wealthy as Chris says, where there's an equal distribution of wealthy and poor as in his riding, as I've said before, which he fails to recognize. Do you have the same understanding as I do on this issue?

Mr Harstone: Oh, yes.

Mr Stockwell: Does that mean you guys are equally confused?

Mr Marchese: That's because you weren't listening, Chris.

Mr Harstone: I think that the lots on the Lakeshore hospital are probably worth \$250,000, so that's a fair deal for Metro.

Mr Stockwell: They probably are, but you can't build a house on the Lakeshore site.

Mr Marchese: John, I asked you a question. Chris is not asking the question. If you want to add some remarks to what I said, focus here.

Mr Harstone: I agree with you. I think it's a fair deal. In fact, I think it is a remarkably good deal. I feel there are provisions put in to deal with the affordability issues. If people can't afford it, they can sell it to the co-op and the co-op can come up with a way of providing rent-geared-to-income assistance to them. I think that solves a major issue around affordability. I think it's extremely fair to have those particular prices.

My only concern would be the corporation itself, how it's going to get its ongoing funding. It's going to get a chunk of money up front, but it has long-term responsibilities. I think that needs to be addressed, but I think that will be addressed over the next five or 10 years as people work out the wrinkles in this.

I think it's an extremely good scheme. I think we in Ontario should be very proud to be doing this kind of pioneering effort around developing affordable housing through leasehold. I have a hunch this is how all the government lands should have been dealt with, rather than by some of these strange schemes they have come up with where the developer is being asked to sell it off, "We want you to sell a town house for \$125,000," and turn it around and it can be sold for whatever in the market. You could have said right from the beginning, with all that government land, the MGS land, "Let's do this leasehold, and we'll put in a perpetual lease of some sort which allows there to be limits on speculative gain."

Mr Marchese: John, I would have liked to continue on that, but I want to comment on the point you made about a third of the board of the trust being elected from the general community in one instance and then from the general membership. I didn't know they did that. I'm interested in pursuing it here in this land trust. If you have just one clipping, one piece of paper, that talks about that, could you pass it on to us?

Mr Harstone: Sure.

Mr Marchese: Thanks a lot. The Chair: Ms Swarbrick.

Ms Swarbrick: Thank you, Mr Harstone. I think your presentation has been excellent and very helpful. Part of where it's been very helpful is in clarifying what the different interests are that sit at this table. You clarified that not only is the value of property determined by its use, whether it's allowed to go for its highest value use or whether it's allowed to go for maintaining a community that has a very different level of servicing and what have you than other communities do; you've also clarified that the interests at this table are twofold. One is to protect a community and to provide affordable housing; the other is to ensure that land is allowed to go to the highest bidder

for the highest purpose and therefore for the use of those with the greatest economic power in our society. I think that's very important, to show the difference in perspectives being presented today by Mr Stockwell and by our government.

Mr Stockwell: Just a point of clarification: It's so unfair—

Ms Swarbrick: There's no such thing as a point of clarification.

The Chair: Mr Stockwell, you don't have the floor.

Mr Stockwell: A park is the lowest value you can place on a land.

Ms Swarbrick: You don't want it as a park, because you're claiming \$300,000 a lot is the value—

The Chair: Mr Stockwell. Ms Swarbrick. It is very helpful if discussion goes through the Chair and it's with the witness.

Mr Stockwell: I want it as a park, where the public owns the space, and you're making it housing. That's one of the most expensive.

The Chair: Order. Mr Harstone actually should have an opportunity to answer.

Mr Harstone: I agree with you. Thank you very much.

The Chair: Further questions? Mr Turnbull.

Mr Turnbull: I just want to point this out to you and ask your comments: In London, England, where it isn't uncommon to buy the stub of a lease—in many cases I've seen 27 or 28 years left on a lease. You're buying a house, usually in a reasonably desirable location, and it isn't unusual to be paying £100,000 or £200,000, which is between \$200,000 and \$400,000, for a desirable location, and you're only getting 28 years. So how on earth can you make these statements that you think this is a fair price being put on these?

Mr Harstone: The question in London particularly is an interesting one. If you've got a 28-year stub left on it and you have the traditional lease which says that at the end of the 28 years the landlord, which in this case might be all sorts of different and strange people, including the church or a college in Oxford, has the house, you've probably overpaid at £200,000, definitely. If, however, you have the idea that what you're going to do after you buy that is go to court to have the leasehold struck out, which has been happening in London on a regular basis now because of the way that some of the earlier leases have been written, then you get it converted to freehold.

Mr Turnbull: I can assure you that the majority of them are not being struck down. There may be some where the paperwork hasn't been terribly well done, but the majority are certainly holding up. We're not talking here about a flawed piece of legal work; we're talking about the market value of this.

Mr Harstone: I find it very, very difficult to believe that anybody would spend £200,000 on a house that had 27 years remaining in the lease before they had to give up

vacant possession. That is certainly beyond my understanding—

Mr Turnbull: You don't have to understand it; it's simply a fact. It's a fact, and anybody who can read the newspapers would be acquainted with that. I don't suggest that you're in the regular habit of reading the British newspapers, but I can assure you that is the case. My point is that in no shape or form does this address what the market value of these units is.

Mr Harstone: Their market value must be well in excess of £1 million. I mean, at 27 years left, the traditional approach taken by appraisers—

Mr Turnbull: I'm talking about the market value of the lease.

Mr Harstone: But I'm just saying the market value of that house without a lease must be absolutely phenomenal, because normally, with 27 years left on a lease, if you took that to an appraiser, he'd say, "This is the kind of discount you should be getting." You are looking at an incredible discount for—

Mr Turnbull: Excuse me, are you qualified as an appraiser?

Mr Harstone: No, I'm not. I'm telling you what appraisers tell me. I'm telling you that a 49-year lease is often discounted by 40%; a 27-year lease will be discounted often by 60% or 70%. These are just the rules of thumb I've been told. If the same holds true for England, I would say that that £200,000 would have had to be discounted by perhaps 60%.

The Chair: Thank you, Mr Harstone and Mr Turnbull. You've all engendered a spirited debate.

1100

TORONTO ISLAND RESIDENTS' ASSOCIATION

The Chair: The next presentation is by the Toronto Island Residents' Association, Mr Bruce Lewis, solicitor. Welcome to the committee.

Mr Bruce Lewis: My name is Bruce Lewis. I'm the lawyer for the Toronto Island Residents' Association. I'm here to speak to you about just one point, which is the constitution of the land trust. I've done a submission, which I guess is being circulated, and suggested some proposed amendments.

In addition to those points, in the submission I mention a couple of places where we take issue with the request of the city solicitor when he spoke to you yesterday. We got a copy of his brief and critiqued a couple of points in it. I don't propose to address those orally.

In a way, it's very fortuitous that I'm appearing just after John Harstone, because we approach the problem in a somewhat similar way and also a somewhat different way.

I would evaluate this proposal as a type of limited equity ownership system. You don't have to go to the States for a limited equity ownership system. The municipality of Metropolitan Toronto is currently developing a project in the Malvern area of Scarborough where it's selling units on a limited equity basis. In a way, that's a good comparable to this, because it's very similar in many respects.

The theory behind this would be that the traditional housing systems for providing housing in Ontario have been through a Ministry of Housing program providing large direct subsidies and no occupant equity. The only alternative is the market. There is probably an area in between where you can ask people for limited equity but not full equity. In return for the fact that they don't contribute the full equity, they don't get the full benefits of the market. That's what Metro's done at its Malvern project, and that's what this is. The city of Toronto has done a study on this sort of thing, though I don't know if it's going anywhere.

The essential hallmarks of this type of housing program would have to be these:

The residents make an equity investment of some kind.

The residents are only entitled to a limited return on their equity. In times of inflation, this would produce prices that are significantly below market, so the housing would continue to be affordable as it's resold over the years.

There might or might not be a guarantee of the investment. In the case of Metro, an agency of the municipality of Metropolitan Toronto is in fact guaranteeing the price, which isn't the case here. People will be vulnerable to a drop in market.

The people who live in the housing, although they have their rights of sale controlled—so they're not full owners in that sense—have normal rights of occupancy and use. They can do anything any other citizen can do, except for the fact that you do have to limit it, because (1) you're normally in this to achieve certain social goals, so for that reason you want them to be principal residences, which is what this is limited to, and (2) you normally don't want these used as investments, so you have to have controls to limit investment.

It's an element we can discuss later about these comparisons with market sales, but there's an inherent difference here. People get a limited return on their equity, they can't make full use of their housing the way people normally can and they can't use it as an investment. You have to have mechanisms in place to ensure that there are no under-the-table deals, that whatever the rules are governing the allowable takeout price for the residents, they're observed, and you usually have to have mechanisms in place to control the quality of the housing.

If you own a condominium unit, you maintain it, and the condominium unit owners collectively maintain the condominium, because they need to to keep up the market value if for no other reason. If the resale price is independent of the market value, that mechanism doesn't work any more. So if you're doing a system like this, you have to have relatively intrusive controls to ensure adequate maintenance and repair. All these are features of the project that's being done by the municipality of Metropolitan Toronto now.

When Richard Johnston put this plan together, he was reacting to a certain set of historical circumstances on the islands that made doing something about it important, but the proposal he made is in fact a species of proposal that could have a very long run applicability to providing alternative

means of housing people that don't have the same level of cost that present government policies do.

I'm not familiar with the American ones. I don't know to what extent they have any applicability for Canada. I do know the limited equity co-ops being done by Metro, the one the city has this report on and the ones that other people have contemplated doing—there are various churches in the field—are very hard to do under existing laws. They're very legally complex. Ultimately, if this is going to be a government policy at some point, you're going to have to do legislation on it.

As far as I know, this is the first legislative system in Ontario that deals with this sort of housing. It seems to me that's a very important reason to get it right, because this may well be, for various historical accidents, a pilot project and a different way that people can relate to housing.

As I said earlier, the normal liberties of people are considerably infringed by this system. Right from the beginning, the investment potential of their house, which is every Canadian's dream, is significantly reduced. Their personal rights of use are reduced: they have to live there; they have only limited rights not to live there; they can't use it as an investment. They may have controls on maintenance, repair and the like.

In addition, on the islands in particular but probably in any of these systems, there's a right to levy fees and charges for the purpose of keeping up the trust, performing the trust activity. There's a right to levy a charge on any turnover. These are in effect taxes the trust will be levying on the people who live on the islands.

These are all appropriate limitations in this kind of system, to implement the public policy of keeping the housing affordable and below market in the long term. But the limitations on the individual liberty of the people living there aren't acceptable if they're imposed. So a feature of this plan should be—it's a feature of the Metro one in a somewhat different way, and it should be of all such plans—that essentially the people who live there have a right to control the housing and the community with appropriate safeguards for the public interest.

The system recommended by Richard Johnston was that there be a non-profit corporation set up. I must say I was surprised when I saw the bill. It wasn't a typical non-profit corporation. The thought everyone drew out of Richard's report was that there was to be a non-profit corporation, perhaps incorporated under part III of the Corporations Act, as most charities and non-profits are, with a membership consisting of the island residents and the normal corporate procedures whereby the directors would be elected by the residents, the budget would be approved by the residents, the bylaws would be adopted by the residents, the pet policy, if there is one, would be approved by the residents and various other things.

Condominiums are a good example. All the same issues of personal relations will come up here as come up in a condominium, where there is an opportunity for control by the owners, and with a certain proportion of the board being appointed by public bodies to protect the public interest. That's set out on pages 20 and 21 of Richard Johnston's report.

That isn't in fact what we've got here. What we've got here is kind of like a board or commission, where the Lieutenant Governor in Council appoints the board. The regulations say that two thirds of them will be island residents. There's no statement as to how the island residents are chosen. There's nothing in the regulations about that at all, no procedure, nothing about their terms of office, nothing about what happens if islanders are unhappy with their representatives and want to recall them. There's just no accountability. It's merely a statement that they happen to live there and that one third is to be other, undefined people chosen by the Lieutenant Governor in Council.

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It doesn't seem to me appropriate to set up a system like this that is designed to both provide an alternative housing tenure system that might do a good deal as an example towards solving the housing problems in Ontario and a system that's designed to get rid of all these animosities that the island has been involved with over years and years, and get people, the islanders, the city, Metro, back on a regular, normal relationship such as other communities enjoy with the city. Basically, the islanders have to be able to trust the trust. The system is not going to work if the trust is somebody else. The trust has to be them, the islanders, with appropriate public input. That's what Richard Johnston said. That's all that's going to work.

I'll give you an example. Suppose the Ministry of Municipal Affairs, in making its recommendation to the Lieutenant Governor in Council as to who to appoint, says to the islanders, "Who should we appoint?" Do we hold elections? Are the islanders going to hold elections every few years for people to recommend to the minister?

If so, we now have an association, the Toronto Islands Residents Association, of which all the islanders are members. Is that association going to stay in existence? What's its role going to be vis-à-vis the trust? There's only a limited amount of community volunteer time. It's fair to say from my observation in the last few months since I was retained by them that there's a lot of burnout among that particular community. There are a lot of people who put in endless hours on a voluntary basis, and we seem to be creating another body and leaving other bodies left.

I can't see any harm to the public interest at all if we do what Richard Johnston suggested. Ideally, we'd recommend a true membership organization. It's typical; there are many of them around, where the members were the people who lived on the island. It could be governed by the Corporations Act, with whatever changes were necessary and a right to appoint some portion of the board by the Lieutenant Governor in Council.

I recognize that may be a difficult amendment to make in committee, so we've got an appendix here that suggests an alternative way of doing it. Essentially, the alternative way is to say that the trust will pass bylaws, set up terms of office, hold elections and make its own bylaws to deal with approval by the islanders, and the people the trust elects will be a certain proportion of the board, and the Lieutenant Governor in Council will appoint the balance. I think that with some fairly minor amendments to the existing statute, such a position could be brought into place,

and it could preserve the public interest as well as the islanders'.

I want to have a word on the number of outside representatives. I've suggested in these amendments 16 board members, of whom 12 would be islanders and 4 would be outside people. I think that 75% is a reasonable ratio. The fact is that it's hard to get people to meetings. You've got to have a quorum. Most of what they're going to talk about is going to be nitty-gritty that's of concern to islanders.

I think you've got to have a good quorum so that you have a real working majority that's islanders. Those who are the public representatives will get notice of the meetings, notice of the agenda, ample input into important matters and so on. I think the regulation proposes 15, of which 5 are outside and 10 are islanders. I think that 75% would be a better ratio, with 12 islanders and 4 outside.

In terms of accountability to the island community, I have observed that the Toronto Islands Residents Association and its relationship with the community is an unusually vibrant non-profit organization. It's not one where the board of the executive makes the decision: They don't move without a community meeting, which is attended by an enormous number of people. It's a very healthy, democratic organization. Any system that doesn't preserve that is destructive. We have the infrastructure in place and there's no question it's going to be successful, but the system has to adapt to it.

The proposal I'm making would in effect, instead of doing it by incorporation documents, allow the trust to pass bylaws such as, "The budget will be submitted annually to a meeting of residents who will vote on it," and, "The trust won't adopt anything unless it's approved by the residents," or where you could put recall rights: The trust would fire a director or all the directors if it felt they were inadequate, other than the publicly appointed ones of course.

I think that rewriting the act in that way is not a very large change, but I think it would make all the difference to the ultimate success of the trust, both as a limited equity housing project and in terms of finally putting behind us all the animosities that have gathered over the islands over the years. Any questions, Mr Chair?

The Chair: I'm sure there are. We'll begin with the government caucus.

Mr Marchese: We'll come back.

The Chair: Okay, then we'll try the Liberal caucus.

Mr Grandmaître: Let's talk about the corporate structure of the trust. Did you have a chance to discuss these possible amendments with Mr Johnston?

Mr Lewis: No, I've never discussed them with him, although they do follow his report quite literally. If you look at pages 20 and 21, the act is out of step with his report, but I have not personally had a discussion with him on this.

Mr Grandmaître: Your idea of having 75% of island tenants or owners on the board sounds reasonable, but at the same time I'm sure this government will want a say on this board. You don't talk about a veto, you talk about bylaws. Would you want to give these people a veto?

Mr Lewis: The said 25% public representatives?

Mr Grandmaître: Yes.

Mr Lewis: In principle, it doesn't bother me too much. You could define certain areas that had a broader public interest. I just know the bulk of the agenda is going to deal with stuff that anybody in the city couldn't give a damn about, but it might well be possible—I haven't thought this through—to define certain areas that have a broader public interest where, if not a veto, you'd need 90% of the votes on the board to pass something or other. I think quite certainly that would be a possibility. It requires some more thought.

Mr Grandmaître: If you don't have a veto, you become a rubber stamp and that's it.

Mr Lewis: I'm not sure you're right. You have to remember that the act fairly well constrains what the trust is going to do. Essentially, what things are you worried about in terms of what the trust is going to do? I think the act gives the trust limitations, so I'm not too worried about things going wrong.

Mr Grandmaître: Don't ask me about my worries. I'm asking you about your worries. Why would you like to amend the—

Mr Lewis: As I said, I felt the input by the people who live there wasn't strong enough. Then your point was, could there be situations where, if my recommendation is followed, the input by the people who don't live there isn't strong enough? I was saying essentially that in principle, if that could be identified, you could certainly define areas where you'd set up a stronger level of control.

I'm not very worried about the possibility you raise, because the act limits what the trust can do. For instance, we had a discussion with the staff about what the purpose of the trust was. It's quite limited, what its objects are, and I find it difficult to believe there's much it could do that would be inconsistent with the public interest.

Mr Turnbull: Quite clearly, as solicitor for the island residents' association, it's very obvious the kinds of answers you're going to give. I must say that from the outset.

I view this particular issue we're studying here in two separate segments. One is the question as to whether, in the long term, residents should be allowed. Setting that aside, the second issue that probably disturbs me the most is the question of the financial aspects of it.

In your opening remarks, you spoke about keeping costs below market in the long term. Given the fact that you have many professional people with rather significant incomes on the island, I would ask why you would be keeping costs below the market in the long term.

Mr Lewis: If you were setting up this type of system to deal with affordable housing problems generally, one of the questions you would ask is what type of income and other admission controls you impose. Here, we're dealing with an existing community. Richard Johnston has an income profile in his report, and it's not a wealthy community by any means. I haven't studied the statistics. My clients advise me, though, that on the whole it's probably

somewhat below the average income for Toronto. Go look at the houses. Wealthy people do not live there.

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In the future, who is going to buy? The way the system works is that it's going to be a waiting list, so it's first come, first served. That system was proposed by the Ministry of Municipal Affairs, I think specifically because it didn't want any cheating. They wanted to say: "First come, first served. There are no judgements, there's no cheating. Whoever is first on the list gets it, and you have it." Now, we don't know what the income of the person who is first on the list is going to be. You're absolutely right on that. It may well be that that person is wealthy. I think it's exceedingly unlikely, because given the nature of the housing, that's just not going to happen.

At the beginning, I addressed the utility of this type of system as a broader contribution to solving housing problems. If there were a lot of housing available like this, then prices generally would be lower. You would take an element of the market out of housing. In that sense, it doesn't matter who buys the house. As long as prices are kept low, ultimately housing would become more affordable, more affordable to the poor and more affordable to the rich.

Mr Turnbull: So you view what is happening on the Toronto Islands as ultimately a vehicle by which we're going to ratchet down the value of houses right across Metro?

Mr Lewis: It's one possible aspect. Only if more of it's done, of course, not just this project. I was using it as a test case.

Mr Turnbull: I smell more of the socialist rat here now than I thought there was in the beginning.

Mr Mammoliti: You have a wonderful way with people, you know that?

Mr Turnbull: George, it's amazing. Before, you were complaining about interruptions, and now you're doing it yourself.

The Chair: Mr Turnbull, through the Chair.

Mr Turnbull: You spoke about the fact that these were just to be principal residences. As you're retained by the Toronto Island residents, I don't expect maybe to get a fully clear answer on this, but you're aware that many people may claim that this is their principal residence but it isn't. They've done up the inside of these cottages quite well. Some of these people, I can assure you, don't even know how they got the residence in the first place. I've heard some rather interesting stories about how people moved in, somebody lent it to them for the summer and then suddenly they got to have a stake in the issue. These people are not living there. No matter how you cut it, they're not living there. How do you build a system to guarantee that these are people's principal residences?

Mr Lewis: I don't know what evidence you have on which you base your statement about people not living there. I'm aware there are people around who feel odd about the history of how people have gotten to be the residents. That's why the bill appoints an island commissioner who is going to adjudicate on all those issues. The

island commissioner will consider traditional legal principles and non-traditional ones and will make some decision. I don't know who that will be; I hope he or she has the wisdom of Solomon, whoever it is. That will deal with the issue of those people who are concerned that they lost their house because some tenant pinched it on them.

In terms of whether they've fixed them up quite nicely, I've been in some that are fixed up quite nicely, but I tell you, this is modest housing. It just is. Go look and make an unbiased judgement. It's relatively modest housing.

How do you make it the principal residence? Well, if they breach the act, they're committing an offence. The act says it has to be their principal residence. If it isn't their principal residence now, they'd better sell it, because they have to do it.

Mr Turnbull: If they've got an apartment in the city and they live six months of the year on the island and six months here, how would you be able to differentiate?

Mr Lewis: The bill uses the income tax definition, which has its own problems, but it's the one adopted by the federal government and by the Ontario government in terms of personal income tax. It does mean they won't be able to make a capital gain on both, so it's more than simply a declaration.

Mr Turnbull: Turning to another point you made about the loss of investment potential when they bought it, I would point out the fact that to the extent they're paying much, much less for the land than would otherwise be the case if they bought a home anywhere in Metro Toronto, if they have extra money to invest, they will be able to put it in some sort of vehicle and be able to get at least as good a return, if not better.

Mr Lewis: I don't think you're right. First, people who invest in houses where they can get the full market return and make their fortune have the following advantages: They have high leverage, because they can get conventional mortgages where they put 5% or 10% down. All the people on the island are going to get after this first round of loan guarantee is out are personal loans. We're going to try to get the mortgages, but I've tried this before with the lending community, and it probably won't recognize this as a conventional mortgageable unit. So they won't get the benefit of leverage that the average person gets when he or she buys a house of the same quality downtown. Secondly—

Mr Turnbull: But nobody buys a house with at same sort of price downtown.

Mr Lewis: Let me go through. First, they won't get the leverage: They'll have to put in more cash for a smaller unit; they won't get the leverage. Do your financial analysis, and you'll discover that the main reason people make their fortune on single-family homes is because of the leverage.

Mr Turnbull: Excuse me. With the difference in price, they can invest in another home and rent it out.

Mr Lewis: No, sir. Let's say you buy a \$150,000 home in Toronto and you put \$15,000 down. You go and get a mortgage for \$135,000—

Mr Turnbull: Excuse me. You don't buy for \$150,000 and put \$15,000 down.

The Chair: Thank you, Mr Turnbull.

Mr Lewis: Whatever; you give me the figures. Whatever the down payment you're doing, you then go and get a mortgage for the rest. It's not your own money; it's the mortgagee's money that you're normally using. You pay the mortgage payments.

People on the island will have to do the same thing. They'll have the equity of their houses. They'll have to pay for their land and they'll have to pay for the repairs required by the act, plus the more extensive repairs that many of them will want or will have done in order to bring it up to the building code. So they will have a loan too. Their loan is going to be more costly. The thing that's important in real estate is what your monthly payments are. Their monthly payment for the same-value house is going to be significantly more than the other person's.

Mr Turnbull: Baloney. Absolute baloney. **Mr Lewis:** Use some figures; work it out.

Mr Turnbull: I have.

The Chair: Order, Mr Turnbull. Mr Mammoliti.

Mr Mammoliti: "Tory MPP Chris Stockwell charged the government has cut a good deal for well-to-do 'lawyers, doctors and civil servants' living on the islands." How many lawyers live on the islands?

Mr Lewis: I have no idea.

Mr Stockwell: You want to know?

Mr Mammoliti: Yes.

Mr Stockwell: Well, I know one.

The Chair: The conversation is supposed to be between Mr Lewis and Mr Mammoliti.

Mr Mammoliti: How many lawyers, doctors or civil servants?

Mr Lewis: I don't know. We have some other island representatives who will be appearing before you. Maybe one can answer. I don't know that.

Mr Mammoliti: Of the 250 residents on the island—

Mr Lewis: There are 250 houses. There are about 600-odd residents.

Mr Mammoliti: On an average, can you tell me how many of the 600 residents are professionals?

Mr Lewis: I don't have any sense of that at all. I'm sorry.

Mr Mammoliti: Appearing in yesterday's paper was a quote from his as well asking if allowing professionals to live for a buck a day for 100 years is fair. I need to know how many of these professionals live on the island because I need to know whether or not Mr Stockwell's point is legitimate in my eyes. From meeting people and talking with them in the hallways and meeting some of the residents, I think it would be a small amount, if there is an amount at all, in terms of professional people.

Mr Lewis: Richard Johnston does have income figures in his report. As far as I know, they're accurate, and I think they are below the national average.

Mr Mammoliti: What's the average wage?

Mr Lewis: Of households, 20.5% are low-income versus 13.1% Metro-wide; 16% of households are single-parent versus 12.7% Metro-wide; 22.1% have household incomes of under \$20,000, 70% under \$50,000, 14.4% over \$70,000. Maybe those 14.4% are the doctors, lawyers and undesirables.

Mr Mammoliti: So we can assume that the 14% are the doctors and lawyers.

Mr Lewis: I guess so.

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Mr Mammoliti: I'm not even too sure. I don't know how many doctors make less than \$70,000, or lawyers, for that matter, unless they are MPPs.

Mr Lewis: There's a basic element in the premise of the way you put it. You said that doctors, lawyers and other unworthies are getting property at a dollar a day.

Mr Mammoliti: This was a quote by Mr Stockwell.

Mr Lewis: But I'm going to answer his point.

Mr Stockwell: I didn't say "unworthies."

Mr Lewis: No, I said "unworthies," but I took your implication; sorry. The dollar a day is, after all, pretty much a nonsensical statement. They're not going to be paying a dollar a day; they're going to be paying \$46,000. They have to go to the bank and borrow, and they have to pay the same interest and the same monthly payments on \$46,000 as anybody else does. If they have to improve the house, they're going to have to borrow the money for that, or if they have other money in the bank, they'll be paying the same thing.

Or maybe a dollar a day is a heavy price compared to Hazelton Lanes. I happened to be watching the Legislature where one of Mr Stockwell's colleagues mentioned how Hazelton Lanes is a leasehold project where they go for much more, but their term is 1,000 years. So divide their land component by—

Mr Turnbull: No, it isn't 1,000 years.

The Chair: Mr Turnbull, it would be helpful—

Mr Mammoliti: Mr Chairman, no matter what committee I sit on, this gentleman happens to sit across from me and he—

The Chair: Mr Mammoliti.

Mr Mammoliti: What am I supposed to do about this?

Are you aware of the yacht club on the island?

Mr Lewis: I'm aware there is one.

Mr Mammoliti: Do you know how much those yachters are currently paying for—

Mr Lewis: I have no idea what the yachters are paying or what their income profile is.

Mr Mammoliti: That's a question I had; I certainly would like to find out.

The Chair: Thank you, Mr Mammoliti. Mr Mammoliti: I want to get to the—

The Chair: I know you do, but your time has expired.

Thank you, Mr Lewis, for appearing before us today. We appreciate your presentation. Again, it's been a lively discussion.

Ms Swarbrick: On a point of order, Mr Chair: We've lost some time because of the constant interjections of the two members of the Conservative Party, so I'd like to ask for an extra two minutes so that I may ask a question; time we've lost because of those interruptions.

The Chair: You might note that your party actually waived its time at the beginning of the discussion.

Ms Swarbrick: No, we did ask if you could come back to us.

The Chair: Well, we work on rotation, and we have further presenters to go. I would remind members that discussion should be through the Chair at all times.

WILLIAM ROSART

The Chair: The next presentation will be from William Rosart. Good morning, Mr Rosart. You've been allocated 15 minutes by the committee for your presentation. We always appreciate some time for discussion. I know you've been here this morning, so you've seen that the discussion can be lively. Anyway, you may begin.

Mr William Rosart: I come to this committee today reluctantly. Sometimes I feel that speaking out against the Toronto Islanders is going against public opinion. However, I believe public opinion has been swayed by a well-orchestrated lobby, as has been shown by the hearings in the past two days and will be shown tomorrow.

There are two types of islanders. There are, first, those who've been on the islands for years, and those who recently arrived, roughly 10 years ago. An informal survey I've done of the Might city directory for 1992 shows a random sampling of 55 of 250 homes: In those figures, 10 had no tenure information, 21 had moved to the islands since 1985, 16 had moved from 1979 to 1984, and only seven were what you would call long-term residents, having been there before 1978. This figure, incidentally, does not match the 65% figure claimed by the Johnston report.

A look at the occupations of people on Ward's and Algonquin include printer, graphic designer, professor, teacher, executive assistant, city councillor and retired. The average family income on the islands is \$41,200. This income would translate into a \$1,030 rent in subsidized housing, for which there are numerous vacancies in Toronto.

Obviously, these people are not in need of assisted housing and would probably not qualify for it in many cases. So why is the province giving such a minimal rent deal to these people of \$30 per month? Taxes on an apartment I lived in on the Toronto waterfront, where I paid full rent, which is partially Metropolitan Toronto Housing Authority integrated, were about \$200 a month, and we received probably less services than sometimes the islanders obtain.

Mr Johnston begins his report by saying his mission is to advise the government of "the fairest way to ensure the preservation of a residential community on the Toronto Islands." I ask, at what cost to other taxpayers?

In Mr Johnston's report, he began with a number of assumptions:

"(c) The ownership of the existing houses should revert to the islanders." I ask why?

"(d) Housing on this public land should not be used or exchanged for individual profit." The speaker before me refers to the plan as essentially a condominium proposal. I don't think that's what this committee has in mind. This has already been done with some of the new islanders buying houses for as high as \$140,000—for houses only, not land. This can be found on page 39 of Mr Johnston's report.

"(f) No solution should be at the expense of the Metro taxpayer." Already a \$5.4-million school is planned to be built on the other side of the island, because residents do not want it in their area, which will require busing on the part of the school board. A \$1.6-million allocation for the science school is not included in that figure, making the total cost \$7 million. Final approvals for funding are still

being sought.

The number of children on Toronto Islands has continually decreased. In 1986 there were 70 of school age, and the reality is that children across the water at Bathurst Quay, Maple Leaf Quay and Harbour Square-yes, children going to public schools live in Harbour Square in Toronto—now amount to close to 300, and they are attending about 35 different schools, because what little capital school dollars are available are being spent on the island. I point out that some children from the waterfront area do go to the island, but as a general rule, they are excluded from attending what must be Ontario's only public private school.

Another example of additional costs to the taxpayer would be in additional ferry costs. We currently do not have a suitable ferry that can operate when the bay freezes up, and Metro must pay for ice-breakers to come in to keep a path clear. I have travelled to the island when the ferry doesn't run-I was the adult carrier for the Toronto Star for a couple of months in the wintertime, when nobody on the island wanted to deliver it—and it wasn't easy, but I choose not to live there for that and other reasons. Incidentally, I live on the city side. I don't think I pointed that out earlier.

The city of Toronto has been asked to provide further services for the island. City and Metro should not be required to provide any further services than are already available, and as budgets for the whole of the municipality allow. I believe what the bill is doing will create further expenses for the city of Toronto, the municipality of Metropolitan Toronto, the board of education and various other bodies.

If a co-op housing group is eventually formed, it should be made up of anyone who is interested, not just islanders. This bill gives effective control of public land to a small group of individuals who, I might point out, are highly opinionated in various directions, as has been shown in some of the presentations. To quote an island resident yesterday, there are 250 groups for 250 residences on the island. One should note that the land trust will be controlled by a majority of islanders, so the reality is they are to become, whoever they are, a power to themselves. Removing them from the planning controls is also an error.

On developing more units, this will only make more demand on already overburdened municipal services. Regarding page 29 of the Johnston report, the city-Metro agreement, to the best of my knowledge, fell apart because the city politicians woke up to the sweetheart deal at higher value than proposed today and turned it down, not for "financing reasons." I would suggest that when Councillor O'Donohue appears this afternoon, he can enlighten you further on that. But I've had it confirmed that that's exactly what happened.

The \$36,000, by the way, would be lucky to find you a parking spot in any of the condos on the city side of the ferry, never mind any residence.

I am sure other residents of Ontario are not against letting some of the senior citizens who moved to the island in 1975 or before have the right to live out their lives there at a fair rent. However, I don't think the same citizens agree that the sweetheart deal that Minister Cooke proposes should go to the new arrivals that include the lawvers, the doctors, the teachers and the civil servants. On page 24. Mr Johnston states that many islanders are too poor to afford the \$34,000 lease. I'm sure that is not totally the case, as TIRA agreed with the city in the Perlin-West agreement and it asked for an even higher sum.

I live in a Cityhome unit, non-profit housing that assists those who are needy, not greedy. It is subject to a number of controls. I suggest that Cityhome be asked to assume ownership and development and to provide assistance to those in need, instead of the co-op plan, which is open to abuse on the part of some of the participants, as has been illustrated in various co-op situations. That's the end of my submission, sir.

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Mr Ron Eddy (Brant-Haldimand): Mr Rosart, in view of your presentation, what do you see as the solution to the Toronto Islands situation and the future use thereof?

Mr Rosart: Let the Cityhome people take it over as subsidized housing for the people who need it and develop it accordingly, including the new development.

Mr Stockwell: What about the argument that Metropolitan Toronto has put forth for the past three decades? They have a policy that says you can't develop parkland, period, case closed, end of discussion. Have you given any thought to the fact that, with this historic agreement, that policy is no longer? Do you have any concern about the fact that there will be approved legal development on public open space, ie, parkland, in Metropolitan Toronto?

Mr Rosart: It seems like the city of Toronto, the province and Metro all seem to want a community to exist there. If that's the case and that's the will of the ministry, fine. That's the government that's controlling us today. However, development, I think, is a mistake on top of what's already there, but if they're going to do it, do it right. There is also a question that's coming up in Metro now that, for example, when a school's being sold to the board of education, they're talking about selling parkland at less than value, which is a whole issue to itself.

Mr Stockwell: The last quickly, just to make comment. I've held a rather consistent view with respect to the public open space policy. I have the same attitude towards the Canadian National Exhibition grounds in west end Toronto. There's been much pressure in the past by developers to build convention centres and so on and so forth on those properties as well, which we deem to be public open space, other than the existing buildings. I've resisted those overtures because I think it's a very basic and natural acceptance that any of our Metropolitan Toronto citizens should be allowed to use any public open space like anyone else, and that's the beauty of the park system in Metropolitan Toronto.

I guess the question I put to you is, have you given up on the fact that this cannot ever be public open space? What if the same issue were put to us with respect to the Canadian National Exhibition and the development pressure there to develop those east end properties and in fact demolish what is there now and develop those? Do you not see this, to some degree, as the thin edge of the wedge?

Mr Rosart: I tend to agree with you there, Mr Stockwell, on that.

Ms Swarbrick: Mr Rosart, thank you for presenting your views to us. Obviously, they are at divergence with the bill, and so I'd just like to offer you a few comments from my perspective as to why I am comfortable with the bill.

First of all, in terms of your comments about changing the community to be run by Cityhome and for the purpose of people who need the affordable housing, our perspective is very much one of wanting to be able to protect a community that does now exist. I know you expressed some concern with regard to some of the people, and I think it's a minority of the people there who in fact do have some better incomes perhaps. One house you made mention of—

Mr Rosart: Excuse me, Ms Swarbrick.

Ms Swarbrick: If I may finish and if you could just make any notes if you want to respond to after, I'd appreciate it. The one house had the value of roughly \$130,000. We definitely would not deny that this is a mixed-income community, although more of its people are in the lower income ranges, but it is a mixed-income community. Personally, that's something I very much like to support in every community, because I think it's a real problem to create ghettoized communities. I think we want mixed-income communities everywhere.

I think it's important to note that the people there who have more money will in fact not gain through the speculative operation of the normal real estate market. If they buy their property there, they are subject to very tight controls, as recommended by Mr Johnston, in terms of not being able to gain great equity. In fact it would be greatly more attractive to those people to want to move to other parts of Metro if they really were interested in simply speculative gain on their real estate.

With regard to the school, I point out that the school on the island is not just for the purpose of the islanders. It does serve as a natural science school for the entire city, and so we all do benefit from it. I know that it's at a time where it needs to be rebuilt. It's not the only school, though, in Metro that's being rebuilt. In my own riding of Scarborough West, Blantyre Public School is being rebuilt because it also is at the point where it does need to be rebuilt. So the island is not absorbing all of the city's capital dollars or Metro's capital dollars.

The Chair: Ms Swarbrick, one minute. Mr Marchese also is looking for an opportunity to ask a question.

Ms Swarbrick: If I can finish then, I'll jump to one last point. You referred to the reference in Mr Johnston's report to the Perlin-West report having established a higher value for the capitalized leases. As Mr Johnston pointed out yesterday, the Atlin arbitration—convened, I guess, by the city of Toronto—did pay the values of the capitalized leases at \$46,950 for Ward's Island and \$62,586 for Algonquin Island, but made it very clear that within that pegged arbitrated value for the capitalized leases, it did include about 23% for the value of the houses. In fact Mr Johnston very much used that arbitrated appraisal of those capitalized leases and basically removed the housing value out of them, since it was recognized by all parties that the islanders owned their own homes. I'm just trying to explain at least some of our perspectives to you.

The Chair: Perhaps we can have a response.

Mr Rosart: The \$140,000 house is one example, but as the market has looked better for people to reoccupy their houses, the prices have gone up, as would the market on the mainland. I made it quite clear that there are \$7 million, but \$1.4 million is separate for the island science school, which could stand alone there. If I could just ask a question of Mrs Swarbrick, would you build a \$5.6-million school for the benefit of 70 children in your riding?

Ms Swarbrick: To be honest, I'd have to check into what the value of the school is per pupil within my riding. I could check into that if you want. I would assume that we're not building an really wealthy school and that in fact is probably a normal cost of the building of a school for that size.

Mr Rosart: There will be 170 children.

The Chair: Thank you, Ms Swarbrick, and thank you, Mr Rosart.

Mr Marchese: One minute to squeeze it in?

The Chair: Unanimous consent?

Mr Stockwell: Darn right there is.

Mr Marchese: Mr Rosart, one question. I had many, actually. One was, "Why do you hate the islanders so much?" but I'm not going to ask you that.

Mr Rosart: I don't hate the islanders. I met my wife on the island. I like the place.

Mr Marchese: One of the questions is that 95% of the islands is for parkland. The islanders occupy 5% of the island in terms of space. We know that since the 1940s, 1950s and 1960s, there has been a reduction of use on the island. So what we have is 5% occupied by the present islanders. The existing 100 units or so will not take much more space. There is less use on it. What would you object

to in that? By the way, the others have lived there for a long, long time, and I accept the figure that 65% of the residents have lived on the island for 15 years or more and 22% have lived there for more than 35 years. Given that assumption of mine, given that they take up so little space and given the reduction of use, what's the problem?

Mr Rosart: Those figures I gave are from the city directory. If you want to doubt the city directory—I'm only going by a factual source. The information I gave is from census etc. I'm not just coming out of thin air with them. But getting back to your issue about the 5% and the population going down—

Mr Marchese: It's use.

Mr Rosart: —it's well apparent that people have less leisure time because they're having a harder time to pay for their housing on the city side, so they can't go wandering over the islands. As well, the number of attractions on the island has gone down. There used to be a viable community with hotels. As a matter of fact, that might not be a bad idea, to put one over there. But that's back in the old days. It was a thriving community, and it was a tourist community as well. It was a destination. It was a postal address.

The Chair: Thank you, Mr Rosart. Mr Mills, did you have something? Briefly.

Mr Gordon Mills (Durham East): Very briefly, Mr Chairman. The figure of 70 children is erroneous. It's not that at all, and 60% of the people with children who attend the school are from the mainland.

The Chair: What is the number, Mr Mills?

Mr Mills: Well, it's at least 170.

Mr Rosart: No, Mr Mills. There are 170 children attending the island school, of which 60% are from the mainland, leaving only 70 children on the island.

Mr Stockwell: That's what he said.

Mr Mills: Okay, yes.

Mr Rosart: There are 300 children on the waterfront going to 35 different schools. The school should be on the city side, if common sense—but unfortunately, when it comes to the islands, politicians and common sense don't go together.

Mr Mills: But the board of education makes the decision where they're going to build a school.

Mr Rosart: The decision is not final, I might point out.

The Chair: Thank you.

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BRUCE WEBER

The Chair: The next presentation is from Bruce Weber.

Mr Bruce Weber: Ladies and gentlemen, my name is Bruce Weber. I'm a nurse in a Toronto hospital. I'm a professional. I make \$50,000 a year. My house happens to be shared with a Filipino immigrant who makes less than \$10,000 a year and a 65-year-old shop owner who probably makes less than \$20,000 a year. That's not the reason I'm

here. I was previously an urban planning consultant and an economist with the Indian Affairs branch of the federal government.

The Toronto Island community has faced many unique problems in the past and it's been a particularly resourceful community, but especially when partnered with responsive governments, it has come up with really excellent solutions to problems. Luck seems not to have been so good when governments seemed unable to listen to the experience of the local community.

There are a good many examples of situations that just didn't fit:

- The Ongiara, the vehicular ferry that never fit into the Ward's Island ferry dock: Vehicles ever since have had to use the Hanlan's Point dock.
- The 1972 proposal for a concrete and steel circus tent kind of ferry shelter, which fit neither the community there nor the quiet atmosphere of the park at that time. Cancellation of that project saved the taxpayers several hundred thousands of dollars.
- We've never been quite convinced that the conventional sewer trunk that stretches 10 kilometres across the island and across the Western Gap was the proper solution for handling sewage on the island.

— The 1981 legislation we'd rather not talk about. The arbitrator called it the "dog's breakfast." It didn't quite fit.

— The proposed new firehall: Although the firehall is desperately needed, it frightens us if it's really to house bigger trucks, as we've been told. The 1989 fire at the Algonquin Island Association clubhouse proved to us that the one big truck over there, which was driven 100 yards from the firehall to the bridge, couldn't go over the bridge. It didn't fit over the bridge and we're very frightened of the prospect of new fire trucks, bigger fire trucks, fitting into a fire station, that don't fit over the bridge, don't the bridge to the Royal Canadian Yacht Club, and don access to Ward's Island. But we desperately need new auditional fire services with small units that fit.

On the other hand, we've really enjoyed some very valuable partnerships with governments. One such special partnership was in the care of Barbara Hamilton. She was an islander who battled eight years with severe progressive multiple sclerosis, and although Barb was bedridden at age 33, a special friend, along with about 30 islanders, determined that she would not be put in an institution.

Five years later into her disease and with her meagre finances exhausted, we approached a marvellously supportive bureaucratic Ministry of Community and Social Services, which realized the impossibility of piecing together fragmented programs for home care for the island situation. We eventually won an order in council for attendant care for Barb at home and she survived another three years. We hope that the Ontario government is as proud as we are of the quality of life that we were able to give to Barb in her beloved community and at a fraction of the cost that it would have required to have her in an institution.

The island community continues to face a lot of difficult situations.

We've got a very large aged population; 17% of all households are occupied by persons over 65. Many of

them are over 80, living alone, stubbornly independent but vulnerable.

We've got a number of seriously handicapped persons among our 650 population, three with Parkinson's disease, possibly two with multiple sclerosis, two with schizophrenia, two known rheumatoid arthritic persons, others with Alzheimer's, several stroke victims and one infant with cystic fibrosis. We know them and we care for them.

We face delayed emergency services, especially when the bay is iced over, although on only one occasion in 20 years has it been necessary for a helicopter to evacuate a person, and that happened to be Barb. We have no stores, no commercial services, no nursing homes, no Meals on Wheels and often a reluctance of home care agencies to understand that we're only seven minutes across the bay.

Faced with these difficulties, the community is determined to continue in its resourceful caring. But again, we may have to call upon governments to partner with us to create unique programs to allow this caring to continue.

First of all, let's ensure that our seniors are not economically evicted. Facing a \$36,000 or \$46,000 mortgage when one is already retired is not an easy prospect. New housing alternatives have to be possible. Two 85-year-old Filipinos lived with me all last winter. I can tell you, a half-mile trek to the dock from Algonquin Island is very forbidding for seniors.

Care in the home has to be supplemented, and we really congratulate the Ontario government for its initiatives proposed in Redirection of Long-Term Care and Support Services in Ontario. Prior to publication of that paper by the Ontario government, the Toronto Islands community had already drafted what we called our Toronto Island Health Response Network.

This isn't an organization, but it's a bit of a formalization of what the community has always done in supporting its vulnerable members. Some of the aims that we came through with were a directory of the doctor and nurses—the one doctor. We did have another doctor last year who left. By the way, we also had three lawyers on the island. One is retired, a great-great-great grandson of the original settler on Ward's Island in 1830. The other one operates as a carpenter.

Anyhow, we're looking for a directory of the doctors, nurses, physiotherapists, the persons trained in CPR and first aid on the island. This support network has already helped 70-year-old Yvonne to come home from Riverdale Hospital after she fractured her hip and her wrist. That she did falling off her bicycle. The medical authorities were very pleased to have her come home when they realized the support she had in the community.

We're looking for one or two paid health workers in the community some day, who could monitor the seniors in their homes, who could assist with their baths and personal care, provide respite for care-giving spouses, respond in crises and provide meals and housekeeping services. These are happening right now, but we're going to need much more in the future.

We need more courses in first aid and CPR and we were really happy to graduate another 15 islanders in CPR

last year. When we're facing delayed emergency services on the island, we need these people. We need to be ready.

We need speakers and workshops in Parkinson's disease, Alzheimer's, schizophrenia, geriatric concerns, the things that we have to face every day, in order to enhance the community's knowledge and ability to support our handicapped members. We're looking in the future to a lot of other things. We hope to have a couple of units designed into the housing where we can actually house people who really need nursing care, one or two units. We've lost four or five people from cancer in the last three years. We would have been pleased to have let them have nursing care on the island.

In summary, I just ask you to listen carefully to our concerns so that the trust can continue in a unique, cost-effective and quality partnership with government in the care of our community.

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Mr Stockwell: Thank you very much for that presentation. It was informative and well-researched. It says a couple of things to me.

Firstly, there are some unique issues and problems on the island that I have heard and known about for the last decade, at least, since I've been dealing with this issue. I will say, though, that I hear a lot of these issues every day from a lot of communities in Metropolitan Toronto. Yes, some are very unique; some aren't unique at all.

I just would say that you must bear in mind when you ask for government assistance for any of these particulars that there are some advantages, certainly, that you have living on the island, and there are some downsides as well.

I think every morning when I get up and take my son, who's of junior kindergarten age, to the bus stop and bus him two districts over to school—and he gets on the bus every day at noon and comes home. I, myself, and my community don't understand why the school down the street isn't open, which would mean he could walk to school. But it's not open and that's a problem our community faces. It's very similar to problems that you face as an island community as well.

I just want you to be left with the message that yes, these are concerns, but you're not the only people in Metropolitan Toronto who have problems that are unique and different that we don't face every day. I just wanted to be clear that I understand there are problems on the island with respect to a lot of these issues, and my position that I take with respect to this piece of legislation doesn't belittle the fact that there are problems you face that I've seen for the last decade.

Some of the problems, I'm convinced, have been exacerbated by the attitude that Metropolitan Toronto has taken on the island issue. I will say that I sat on the parks and property committee at Metropolitan Toronto for a number of years and I dealt with island issues when it came to building permits, and when they came in for their building permits, I voted in favour of giving them their building permits. So it's not a question that just because you're opposed to this deal means you're categorically

opposed to unique communities, but sir, there are hundreds of unique communities in Metropolitan Toronto.

Mr Weber: We just feel that our community resources have been mobilized well in partnership with government and that they've been very cost-effective. They have saved the government money.

Mr Marchese: Just some general remarks with respect to the school. The school has been there on the island for quite some time, as one historical remark. The other remark is that 60% of the people come from the mainland to the island school. Essentially, I'm addressing this to Chris—

The Chair: Why don't you address them to me?

Mr Marchese: To the Chair, and I was addressing it generally to Chris because he was making the previous statement. Some 60% of the people come from the outside, mostly Harbourfront, where there are no schools. All the other schools in the area are full; they can't take any more. That is why you have additional students coming from the mainland to the island school. Most of them come from Harbourfront. There are no schools in the area to walk to, as a general remark.

But the other remark, to follow up, and perhaps you and others can speak to it, is that I was addressing this to a previous speaker and I was saying that the use of the island has gone down demonstrably from the 1950s on. I think the hotel was destroyed a long time ago as a feature why it might have attracted people. The islanders attract people to the island, it seems to me. Without that community, I suspect its use is less now than it was 30 years ago, and if the islanders were not there, I suspect there would be very little.

My argument to the previous speaker and to the others is that the islanders offer unique services to mainlanders in addition to my saying that they have a right to be there for a variety of reasons. Does the existence of the island, in addition to the homes, not create a viable community for the school, for the mainland and for a variety of different reasons?

Mr Weber: It's a very viable one. I was just going through our old Goose and Duck newspapers to try to find the picture of the dock that was planned in 1972, and that was the same edition in which figures were reprinted for the use by passengers going to the islands. In 1927, there were 1.1 million persons going to the island; in 1970, there were 1.4 million, which wasn't a significant change in that many years.

There are all kinds of stories of the island as a place where people using the park found some security, whether they were the stories of lifesaving on the ice or of David, last year, who pulled the two girls out off the eastern gap.

I think it would be a lonely, barren wilderness without persons living there for the 10 months beyond the 39 hours in the midsummer when the ferries are used to capacity carrying crowds. It's something like 39 hours a year that the ferries are used to capacity, and those people don't crowd the islands. They go to Centre Island.

The rest of the 8 to 10 months of the year there are not a great many visitors to the island, in spite of the things we have tried to do in terms of winder carnivals, laying out paths for cross-country skiers and trying to promote the park as a full, year-round, beautiful place. Metro's response in the park usually has been a simple sign, "Ice unsafe." That's been their response to winter use on the island, nothing more than that.

Mr Grandmaître: I'll be very short.

The Chair: We appreciate that.

Mr Grandmaître: Thank you; very short, yes. Mr Weber, what you're telling us is a great story. I think what you're telling us is that the island community used to be a great, livable and lovable place to be.

Mr Marchese: Still is.

Mr Grandmaître: But Bill 61, the way it's been introduced, will not really put back this real life of 30 years ago if we don't respond to all the needs you've pointed out in your brief. Is this what you're telling us, that Bill 61 might be the greatest thing since sliced bread, but if we don't come up with all these services, then the Toronto Island will not be a real, livable community?

Mr Weber: No, I said we were very enthusiastic about this bill and about the idea of the trust. We think it complements very well what this community has always done and we hope, first of all, that you will continue to hear us so that you don't bust up the package.

Secondly, we hope that in the future we'll continue to have the cooperation; for instance, possibly helping to finance a health worker in the community, as is suggested and recommended in Redirection of Long-Term Care. We think it's an excellent bill that fits with what the community has been.

Mr Grandmaître: But you will need all those services to make it a real, viable community?

Mr Weber: All those services that I've outlined here consist of one or two paid health care workers.

Mr Mills: He said one small question.

The Chair: He still hasn't had as much time as the other two parties.

Thank you, Mr Weber, for coming today. We appreciate the presentation. I would remind members that we need to be back here at 1 o'clock. I'll see you then, promptly.

The committee recessed at 1208.

AFTERNOON SITTING

The committee resumed at 1307.

BOB McCARTNEY

The Chair: The standing committee will come to order. As we all know, we're considering Bill 61. The first presentation this afternoon will be made by Bob McCartney. Good afternoon, Mr McCartney. The committee has allocated 15 minutes for your presentation. You may identify yourself for the purposes of Hansard, and any organization you may be with.

Mr Bob McCartney: I'm just a private citizen. I'm not going to take up much time. I'd just like to see the homes on the island become environmentally friendly. I guess you've heard all this stuff before. I've got a book here from Denmark, and they've got co-ops there that use passive solar and ground pumps etc. That's all I've got to say.

The Chair: That leaves us some opportunity for questions.

Ms Swarbrick: I'm just curious. Do you live on the islands?

Mr McCartney: No.

Ms Swarbrick: Are you considering that they aren't now environmentally friendly to the standards you'd like to see? If so, what are you specifically proposing?

Mr McCartney: What I'd like to see is that the new co-op they're going to build over there be built with passive solar or maybe wind energy. I'm not an expert on the situation, but I think you've got a unique opportunity over there to do something for the environment. I'm a carpenter by trade, and I think there are a lot of contractors and builders in this city who would like to have a place they could go to see what is being done in terms of environmentally friendly housing. They could make it a unique showplace in Toronto. I know it's one of their major exports from Denmark. It could maybe give Ontario a lot of jobs. That's all I have.

Ms Swarbrick: That's a very interesting idea. Is that a spare copy you've got that you could share?

Mr McCartney: Yes, you can have it. You can make photocopies. I tried to get more, but they haven't got any more copies.

The Chair: Mr Grandmaître, questions? No? Mr Stockwell?

Mr Stockwell: No, I think he's clear as glass, succinct, like my friend Rosario.

The Chair: Mr Marchese's been looking for time to ask questions.

Mr Marchese: Anne had a question; that's fine.

The Chair: Then thank you. We appreciate you coming.

Mr McCartney: Thank you.

BRENT RUTHERFORD

The Chair: Is Professor Brent Rutherford here? Good afternoon, sir. The committee has allocated you 15 minutes for your presentation, but I believe you have 20 minutes. We may use that time to some advantage. You may introduce yourself and begin your presentation.

Dr Brent Rutherford: Thank you. My name is Brent Rutherford. My comments today are drawn from a number of perspectives. First, I've been a member of the Toronto Islands community for 12 years. My wife is a lifelong islander, as are our two children. My wife's father, now 77, has owned his island home since the 1950s. Second, I've been involved in one way or another with policy discussions involving the island situation dating from the Swadron inquiry. Third, I've been a faculty member at the faculty of environmental studies at York University for the past 21 years, and I work and teach in the field of program and policy evaluation. I'm a charter member of the Canadian Evaluation Society and have served on its board of directors.

People who work in the area of program evaluation seek to identify problems in program design prior to implementation as well as to determine program successes or failures after implementation, and despite the skill of program designers and the enthusiasm of legislators, programs regularly fail to meet their objectives.

The only reason we're here today is to correct a long history of political errors. Bill 191 proved to be seriously flawed. Mr Atlin, the arbitrator under the bill, termed it a dog's breakfast. Is the fate of Bill 61 any different?

If the majority of prior submissions have become predictable in their praise for Bill 61, my comments may provide some relief. Time permits me to address only four matters. The first one is procedural, and the other three have to do with matters in the legislation and regulations. The first two matters are my views alone, while the latter two are supported by unanimous community resolution.

As I was working on this in the wee hours of this morning, I failed to find a proper term to identify the four elements I wish to talk about. In the text, I've used an inflammatory phrase, "bait and switch." I wish to revise that and call it sleight of hand.

During the debate on second reading of this bill, the member for Fort York, accurately, I think, made excellent review of the comments made by the leaders of the opposition parties in times past. What he did not, however, refer to was the letter Mr Rae had sent to the island community on September 4, 1990. Mr Rae told the island community:

"My view and that of my party coincide and are unchanged. We believe that island residents deserve the same rights and security enjoyed by every other community in the province. We support fully the settlement negotiated by your association with the city of Toronto."

The context of Mr Rae's commitment was the settlement recommended to city council by Mr Perlin, the city solicitor, and Ms West, as property commissioner, that would return island home ownership for an average price of \$53,000, a 99-year lease would be granted and, after a

short period of price controls, the land lease could be disposed of free of any constraints.

Because the Perlin-West proposal was unanimously supported by NDP members of city council, it was reasonable to have confidence in Mr Rae's commitment. As well, islanders remembered and appreciated the proposal from NDP member Dale Martin that would return home ownership and offer a 99-year lease, free of any controls, for two payments, \$25,000 initially and \$15,000 whenever the lease would be sold, a form of equity partnership, if you like. I might add, given Mr Perlin's comments, that both settlements would have totally satisfied the city's debt. Indeed, Mr Martin's proposal—I cannot tell you the exact year of that—would have given the city a \$15,000 profit.

Considering the fact that the Liberal government was not able to do much to advance a reasonable settlement during its time in office, it is no wonder that island polls voted strongly for the NDP candidate from Fort York.

At the end of the day, however, what Mr Johnston proposed, which has become Bill 61, is radically different from the settlement endorsed by Mr Rae. It is a social experiment, a demonstration project for the application of the US land trust model. Unless one now leaves the island, participation in the experiment is mandatory, not voluntary. And home ownership is returned in name only: The constraints, restrictions and formulae are the antithesis of any true meaning of ownership.

The message here is basically to the opposition members. During the debate at second reading, some members claimed the bill was a benefit to NDP voters. Instead, they might focus on the NDP promise made and forgotten, and they might well commiserate with those islanders who are uncomfortable about being forced to choose between leaving their homes and community today and being required to participate in a social experiment.

Sleight of hand 2: The stewardship of the park lands.

Islanders are deeply aware that they live in a special place and fully support and accept the concept of stewardship, the sense of cautious, careful regard for the unique qualities of our island, the public's island, and our larger environment. Many of my neighbours have a long and respected commitment and professional engagement in environmental protection.

But Mr Johnston's recommendations and Bill 61 force us to become instant developers. To satisfy the government, it was necessary to force-fit at least 80 housing units into the existing community. This forced us to agree to place housing either where no houses had ever before existed—on meadow space—or where areas had naturally recovered for decades. We have been forced into a logical contradiction, into a necessarily hypocritical position: "If you want the bill, find housing sites and develop them. You are stewards, but you must also be developers." It is certainly difficult to insist on both at the same time.

That's the recent history. Looking forward, the bill exempts the land trust from both the Planning Act and the Environmental Assessment Act. While the bill may cap the number of residential units at 110, as I read the bill, any and all other forms of development are permissible. In short, 50% of the land trust board plus one permits the

land trust to bring any form of development to the island. As I understand the bill, there are no constraints to building office towers, amusement parks or warehouses. Island green thumbs may want to build a number of commercial greenhouses. For me, being interested in probability, I might propose to the province a joint venture to locate a casino on land trust lands.

It may be that the city's politicians and planners are not sympathetic to island needs and wishes and it may be that a proper environmental assessment is too expensive, too long and too lengthy. But surely some form of review is urgently required to review possible dubious initiatives of the land trust board on land that belongs ultimately to the province and the people of Ontario, not simply a majority of the land trust board of the day.

I now turn to two matters that are not my personal views, but state the community position. These relate to the value received on selling the unused portion of the land lease and the equity, what's been called the equity, or the longevity factor. We're seriously concerned that, as presently contained in the draft regulations, neither is neutral to the effects of inflation.

Sleight of hand 3: The sale of the unused lease value.

Because the sale of the lease is an administered or formula price rather than a market price, it is important that the value returned is inflation-neutral. We must concern ourselves with how the lease depreciates in value. It was always explained to the community that the lease would reduce in value by one ninety-ninth per year, a little over 1%, and would be fully inflation adjusted. This understanding was an important part of the community's acceptance of Mr Johnston's proposal.

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Instead, when the draft regulations were produced—I should also comment that in a highly concentrated form the formulas exist in the appendix of Mr Johnston's report—the arithmetic was far more complicated and inflation protection was not included. Here's an example. If an islander were to move after 10 years, because of sickness or transfer or simply because he wanted to move, had paid a lease price of \$36,000 and inflation had been zero in each of these 10 years, the islander would receive about 94% of the lease sale price. But if inflation had been 10%, he would only receive about 61% of the lease sale price; that is, what the new person pays. This amounts to an \$11,900 difference in 1993 constant dollars.

Clearly, the formula and the draft regulations are not inflation-neutral. Any inflation level above 0% reduces the value a departing islander would receive.

Sleight of hand 4: The longevity or the equity factor.

In presenting his recommendation to the community, Mr Johnston advanced the idea of a small factor that would be applied to the house value that would recognize and encourage community longevity. He called this the "longevity factor"; in the draft regulations this is termed the "equity factor." This small amount would be compounded at 1.5% per year and would apply to the house value on the time of sale. After 10 years, as islanders understood it, this would amount to a modest 16.1%, 1.5% times 10 years plus a little bit of compounding, which would be

a bonus attached to the depreciated replacement value of the house, the actual sticks and boards and labour and the depreciated value of that. The community's acceptance of the Johnston proposal was partly based on this understanding.

Instead, when the draft regulations were produced—and in a very modest way in the appendix of Mr Johnston's report one can find some new information on this—a much more complicated approach was taken. While the arithmetic is complicated, the results are clear. The value of the equity factor varies wildly and widely with inflation. Its value is greater at low inflation and much less when inflation is high.

For example, if an islander had to move in 10 years and inflation had been 0% for each of those years, the equity factor would amount to 17.2% of the house value but would be only 11.4% if inflation had been 10% for each of those years. This amounts to a \$4,400 difference in 1993 constant dollars. The amount of the equity factor when inflation is 0% is 51% greater than in a 10% inflation environment. The formula proposed in the draft regulation is not inflation-neutral.

In conclusion, regarding the four matters discussed:

- (1) We cannot undo Mr Rae's promise and what was delivered, but the support given the NDP candidate, given the context of the day, can be better understood.
- (2) To assure the public that the land trust board members are truly stewards dedicated to the preservation and protection of the land and the natural areas, and not dedicated developers using the land as a resource, a review mechanism of some sort must be established. At a minimum, the Minister of the Environment or the Minister of Municipal Affairs must have the power to review and stop overaggressive land development.
- (3) and (4) The resale formulas for land lease and equity factor are extremely sensitive to different levels of possible future inflation. Islanders should not become passive inflation speculators, gaining from low inflation and suffering from high inflation. If they must move, the administered price should be stable in all inflation conditions. Minor adjustments in the formula would achieve inflation neutrality and, as a matter of fact, have been previously provided to technical staff at the ministry.

I urge that the committee seriously consider the suggestions in this submission and the community's submissions to the ministry staff. While clearly I am personally not enthusiastic about the bill, in the absence of any other reasonable proposal on the table I would urge all members of the committee to support the bill.

I've attached to my submission a copy of Mr Rae's letter and recent correspondence between myself and the staff in the ministry. That correspondence refers to a December 7 report. I'm not sure if it's appropriate, given the procedures of the committee, but I'd be happy to leave a copy of that with the Chair if the committee would like to dig into the details of the resale formula.

Mr Grandmaître: Professor, does that mean that you'll be encouraging your islander friends to oppose or object to Bill 61, or whatever?

Dr Rutherford: No. I've encouraged you to accept this as the best proposal before the Legislature and the only one on the table, as far as I know.

Mr Grandmaître: But what you're trying to tell us in your submission is that it's far from being perfect, that it could be improved, that it should be improved and that you're very concerned about the future of the development on the islands. This is why this committee, or this side of the committee anyway, is very concerned about future developments. Also, the islands will be exempt from the Planning Act.

Dr Rutherford: I'm quite aware of that, sir.

Mr Grandmaître: You're quite aware of this? Don't you think the government has a private agenda or a secret agenda for the future of the islands?

Dr Rutherford: I hope not, and I'm not aware of any secret agenda but in general principles—

Interjection.

Mr Grandmaître: Why would you think the minister would want to exempt the islands from the Planning Act? Why?

Dr Rutherford: Frankly, sir, I guess it'd be best to ask the minister. I frankly don't know.

Mr Grandmaître: Maybe I can ask the parliamentary assistant.

The Chair: Maybe you can at a later moment.

Mr Grandmaître: At a later moment? Well, no, I've asked a question and the professor doesn't have an answer. Can I—

The Chair: No; later. Mr Stockwell.

Mr Stockwell: I'm afraid you're out of time, Ben. I tried to lobby for you.

Let me just go through these very quickly, step by step. One, if you're here to tell us in your bait and switch or sleight of hand that Bob Rae broke campaign promises, this isn't a revelation. You can just go down the hall and visit the insurance committee hearings and they'll be saying the same thing. Bob Rae broke a whole pile of campaign promises. I'm not going to lose sleep over that one tonight.

Second, I find it incredibly ironic as well that the government that is for the people, that talked about the island and the public open space, having policy with no development and park and all this interesting stuff—I sat with members of the government and had them just brief me ad nauseum on the Planning Act and zoning and all the tremendous things they put in place; John Sewell, Jack Layton, Dale Martin et al—that it's kind of funny they exempt it all on the island. I agree with you there.

Third, on items 3 and 4, about the equity factor, longevity, sir, I think you're looking a gift horse in the mouth. I'd endorse it as well.

Mr Marchese: Chris was really brief on those statements.

Mr Rutherford, I found the presentation very useful. You raise interesting questions, particularly as they relate to your conclusion number 2: "To assure the public that the land trust board are truly stewards...and not dedicated

developers using the land as a resource, a review mechanism must be established," and "the Minister of the Environment or Municipal Affairs must have the power to halt aggressive land development."

My assumption is that if that is the case, the trust is responsible to the ministry, and because of that direct relationship, I'm assuming that the minister would be able to halt anything that you're assuming could happen.

I don't see anything in the legislation that allows for what you're suggesting, such as the building of office towers, amusement parks or warehouses and I wonder, Mr Chair, if staff—

The Chair: You may ask questions of staff later.

Mr Marchese: I see. We don't want to do that now. I don't see that in the—

Dr Rutherford: I'd be delighted if I'm wrong.

Mr Marchese: Okay. My assumption, again, is that the Minister of Municipal Affairs would have jurisdiction, clearly, over that and would be able to halt it.

Mr Grandmaître: Then you put it in the legislation.

The Chair: Mr Grandmaître, you're out of order.

Dr Rutherford: Can I respond to that briefly?

The Chair: That's the idea.

Dr Rutherford: I presume the members of the board serve at the will of the minister. They don't serve a term of office, as far as I understand it, and if the minister thought the land trust board was overstepping good taste, he or she might remove them. I think that's an awkward way of going about it. I'd rather have the parameters of development either known or specified or at least the review conditions made explicit by some means or manner.

Mr Marchese: I suppose we could look at that. I'll leave my second question to Ms Swarbrick.

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Ms Swarbrick: First, with regard to the issue of the rationale for the new co-op, for the added units on the island, it seems to me that that's similar to the thinking behind the proposal by Metro and the province to look at intensification in other areas of Metro too, the fact that you need to have a certain density of population to support services and the expansion of services, and that that's part of the thinking that makes sense there as well, and certainly has historical merit, given the number of homes that used to occupy the island and were torn down by people who weren't friends of having a community on the island.

In terms of the financial concerns that you raise about the value of the homes, I'd like to point out that your financial concerns in fact are answered within the regulations, although not in the act, and that I think they are well taken care of, because not only is there the equity factor that you refer to, but the resale value of the homes would also be based on the appraised value of the homes at time of sale, and that would very much take into consideration any inflationary increases.

Mr Rutherford: It's true that if a person constantly maintains his structure with infusions of capital, the structure presumably would hold its value over time, so you

could say that it's inflation-neutral. But it's not the case that the equity factor and the resale on the land lease are inflation-neutral. If you simply capture the formulas that are in the draft regulations and test them on different inflation levels, you get very different answers. I've given you an example at 10 years and 0% inflation and 10% inflation. As I said, I'd be happy to leave the longer report with the Chair if the committee would like to have a serious look at it.

The Chair: We would appreciate that, and thank you for coming today.

I recognize that Mr Grandmaître has a question of the ministry, or he did have.

Mr Grandmaître: Yes. Mr Parliamentary Assistant, why would the minister exempt the Toronto Islands' future development from the Planning Act?

Mr Mills: I think the minister believes the Planning Act is able to deal with this as it is now; you know, with the existing Metro plan.

Mr Grandmaître: The existing Metro-

Mr Mills: You know, where the islands are part of the-

Mr Grandmaître: Yes.

Mr Mills: Yes. The ministry feels that is sufficient.

Mr Grandmaître: But if the islands are part of the official plan, the city of Toronto is not exempt from the Planning Act. How can you exempt a section of the Planning Act from the Planning Act? Why would you do that?

Mr Mills: I'll get back to you about this specifically, rather than give you what I think, and then we'll be right.

Mr Stockwell: Would you answer me one question while you're getting back to him on that? This flows. I'm working under the assumption that if this parcel of land is not part of the Planning Act, it is then not part of environmental assessment. So it would make sense to me that by excluding it from the Planning Act you thereby are excluding it from environmental assessment hearings, thereby allowing development on floodplain. Just check it out. I thought I had. It kept me awake.

Mr Mills: It kept you awake?

The Chair: I think Mr Marchese had a question. Do you remember what it was, Ms Swarbrick?

Ms Swarbrick: No, I don't.

The Chair: I don't either. We'll catch up with that one in a while.

TONY O'DONOHUE

The Chair: The next presentation will be made by Councillor Tony O'Donohue, ward 3, city of Toronto. Good afternoon. Welcome to the committee. We have approximately half an hour for your presentation, which is longer than you suspected, I guess.

Mr Tony O'Donohue: That's fine. I wanted to start off simply by saying that when I came into politics in 1967, this was one of the issues that was before Metro council, and that's going back a long time, 25 years.

At that time the Toronto Islands were totally under the jurisdiction of the Metropolitan corporation. The islands were given to the Metropolitan corporation by the city of Toronto on January 30, 1956. The motion of city council at that particular time comes from report 3 of the board of control, under the heading "Assumption of Toronto Island by the Metropolitan Corporation." There was an amendment to that. It was "subject to the condition that if at any time the Toronto island or any part thereof is used for other than park purposes, the island shall revert to the city of Toronto; and same is included as one of the terms of the arrangement for the execution of the agreement between the Metropolitan corporation and the city of Toronto." In other words, the agreement was that if Metro did not proceed to make the islands into a park, if it reneged on the deal, the islands would have to come back to the city.

That went through council at that time on a vote of 20 to 2. The vote on city council at that time was the mayor, controllers Allen and Saunders, aldermen Cranham, Chambers, Menzies, Dennison, George Phillips, Parry, Robinson, Howard Phillips, Summerville, Orliffe, Givens, Kucherepa, Newman, Davidson, Clifton, Roxborough and Waters. The two who opposed that were Controller Brand and Alderman Nash. So it was a 20-to-2 vote on January 30, 1956, on the understanding, as I said, that if Metro didn't make it into a full park, it would revert back to the city of Toronto.

I thought I would give you that by way of background. When I came on to the scene in 1967, centennial year, I was approached at that time by Alderman Rotenberg, who suggested to me that there was no point in giving the whole islands over, especially with respect to the parts of the islands that people lived on, unless we needed them, and we would only do it when we needed them. It was an incremental way of dealing with parks, expanding year by year when we needed to. I went along with that idea.

What actually happened, if I could go through the chronology of this again, is that the Toronto Islands were transferred from the city of Toronto to Metro for parkland. The island homes located on Centre Island and Hanlan's Point were demolished and the residents were awarded compensation averaging \$11,000 per home. Leases on remaining homes on Ward's and Algonquin islands expired in August 1974. In 1974, of course, there was a new feeling, especially at the city political level, that it should renege on the old deal it had with Metro and try to establish or maintain a community on the islands. The problem at that time was that most of the original owners, who had left under the original conditions—bought off by Metro—had gone, and tenants had moved into the homes. The tenants decided. the majority of them anyway, that they were going to fight and try to establish a permanent community.

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To me at that time it sounded like it was probably a twist in democracy that I didn't like. Here were people who were obeying the law and obeying the regulations that were brought down—Metro needed the land and that's the law—and although they didn't like it, they gave up their homes on the islands. The tenants moved in and said:

"Hell no, we're not going to go. We're going to stay here. We want to stay here," and they began to fight.

What really happened is the original and legitimate owners of the island homes were screwed, if you want to use that type of word, or they were snared into a scenario where they were being totally democratic, and by a perverted system of democracy, they lost out. There were a lot of these people all over Toronto who'd obeyed the law and left, and the people who'd come in—I call them the squatters—who came in and took over control, really benefited from this.

The unfortunate thing at the time was that you had some fairly high-profile people living on the Toronto Islands. I think Peter Gzowski was one.

Mr Stockwell: And Cassidy.

Mr O'Donohue: Yes, and Cassidy, who was here in Queen's Park. I don't know about David Crombie. He had some involvement over there. But a lot of high-profile people had a lot of influence and were able to cajole governments, to try and make them have a look at what was going on over there and that there should be a community. While all that was going on, of course, this was building up; there were all kinds of arguments going back and forth, and it ended up with the shemozzle we are in right now.

Our city council was polarized on that. We even wanted to almost give them away in 1987, give the islands away to the tenants who were living over there. We had a big argument in council. I asked for appraisals of the Toronto Islands, and we went out and got three independent appraisals from independent organizations to tell us what the island homes were worth. I have it before me here. If anybody wants to have a look at it after, I can give it to them.

Our property department did three independent appraisals for the Toronto Islands on April 21, 1987. The three appraisals were carried out, and they were options A, B1 and C1. In the results of the three appraisals, Ward's Island is \$79,000 and Algonquin Island \$116,000; that's the average of the three appraisals. Mashke was one appraiser, LePage was another and Jones was the third. The appraisals varied from, as I said, \$79,000 on Ward's—that's the average—to \$116,666 on Algonquin. These are based on 1981 values, not on 1987 values.

Could you imagine how put out I was when we're going to give away the islands right now for 99 years at the steal price of \$36,000 to \$40,000? I think that is an absolute disgrace. I've been down this road so many times that I wonder what's happening to our system of government, what's happening to democracy, when something like this can happen. You have so many people who are living all across Toronto who would love to have this kind of piece of property on the doorstep to the city of Toronto, overlooking the skyline of Toronto, and be able to get it for a 99-year lease.

I do understand the political ramifications of it. I notice that Rosario Marchese is here; they're his constituents. I know they will all vote for anybody who says they're for them; that's the political reality of it. But I think there's a provincial reality more than anything else now when

you're looking at this. There's also the reality of fairness. What is fair? Who gets this sweetheart deal? No matter how I look at it, I think there are many people out there who are questioning the sanity of the people who have made this deal.

With respect to the islands themselves, there's another problem, and that is the problem of whether or not you can build on the islands, based on the recent findings of the Metropolitan Toronto and Region Conservation Authority on the floodplain lands. In their storm intensity program, they have indicated a whole lot of land east of the O'Keefe Centre that you cannot build on any more. Toronto Islands fall directly under that because of the water table. There is a very difficult problem there with respect to putting sewers or water in the ground, because the water table is almost at ground level. That is way within the floodplain land, and I'm wondering what kind of concoction the provincial government is going to come up with to try to legalize this, once it has given away the lands, and this is what it's actually doing: giving away the lands.

You probably have our city's presentation which tells you what it has cost the city so far. It has cost the city so far approximately \$16 million. We have actually paid the rent for the tenants over there. Our good mayor, June Rowlands, when she was budget chief into the 1980s, I distinctly remember her saying at the executive committee that, "These good folks on Toronto Islands, as we're not collecting the rent because our solicitor said we shouldn't collect it, are putting it into a special trust." That's probably the biggest joke I've heard in a long time, but that is exactly what June Rowlands said at the time, that there was a special trust set up by the tenants and the owners of Toronto Islands so that the moneys owed could be paid back to the city of Toronto when a deal was consummated. Of course, that never happened; that was a total fabrication, something that would never happen. But for that particular time, it eased the minds of a lot of people who wanted to see this happen.

What is happening right now is that we find ourselves in the hole in the vicinity of about \$16 million in back rent we have paid to Metro that we have not collected. And what are we going to do? We're going to try to recoup this in this sweetheart deal that is presently before you. In other words, the people who are living there will really be living there for nothing, they'll get 99 years for nothing; all they've got to do is pay off the back debts.

From a democratic point of view, it really gives me a sour taste in my mouth, as to how you can manipulate something into something like this, where you give special concessions to a group of people and you totally destroy another group of people. The original owners of the islands, the way they had been treated, and what has happened with respect to their view of democracy, has been totally destroyed. It's all been done in the name of: "We have to listen to the people who live in the Toronto Islands."

This is a classic example of people who can write their own law. If they disagree with it, all they've got to do is write their own law and go to the politicians and say, "Here, I voted for you; you might as well use your influence because I won't agree to anything else." What has

happened here has been a total disaster as far as the city is concerned.

Going back to the 1950s, what actually happened here was that when Metro looked at it originally it felt the metropolitan population would really need some additional recreational space. At that time, the trend was to have a cottage, and it would be much easier for the immigrant population that came to Toronto to be able to take a bus or a streetcar down to the foot of Bay Street and go out to the islands. That was the whole idea. I bought it on that basis, that that's what the islands were going to be for.

But it became so difficult in the early 1970s, late 1970s and early 1980s to argue that point, because what you had over on the islands was a constant fight. The papers would write about it all the time. There were always problems over on the islands with respect to people getting over there and not having the proper services and things like that. That was sort of pushed into the background and they never really had an opportunity to develop the idea that the islands should become a place for people who do not have cottages.

Nevertheless, I think the islands are used and will probably continue to be used more intensely in the years ahead as more people live in the Metropolitan Toronto area and more people don't want to fight traffic to get to a cottage. A lot of people won't be able to afford a cottage, so the islands were idyllic for that.

When we look back at this 99 years from now, I think our granddaughters and grandsons are going to look back and point to the idiots who made this deal with the few people who lived in the Toronto Islands for their own gain. I think here's a good example of how a community—I'm talking about a community like Metropolitan Toronto—can be totally and absolutely destroyed, in terms of the legacy for the future, by what's going on here.

The city has before you today some recommendations which, if this is a planned, signed and sealed deal, I think you should look at, because the paltry sum of money you're talking about, in your haste to make a deal with the Toronto Islanders—the city's just trying to get back its own money, and it's thrown the whole mess back into your lap. If you had any sense of decency and urgency and democracy, you'd throw it back to the government and tell it: "This deal isn't good enough. Draft up another deal, and see if you can come back with something that's based on market value."

I know if you go to market value, you're talking about over \$100,000 per unit over there. That's the only fair way to do it.

That's the sum total of my presentation.

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The Chair: Mr Stockwell, you're first.

Mr Stockwell: I would just like to leave the time for the government. I think that was well done and I agree with it.

The Chair: Well, then, we have Ms Swarbrick and Mr Marchese, just so you both know.

Ms Swarbrick: Thank you. Speak any time you want me to stop, Rosario.

Thank you, Mr O'Donohue. I think, first of all, that there are a number of people in the audience who would very much disagree with some of the information you've put forward in terms of the original owners. I know we've certainly heard presentations here that convinced me that a number of owners still live there. We heard some information yesterday in terms of people who had been living in the homes that were demolished then becoming some of the new tenants in the parts of the community that are remaining.

I guess what I'd like to ask you about, though, is with regard to the figures that you've put before us, because I think again, as we all know, figures can be very different depending on what perspectives people are considering with. You've talked about the appraisals you've received from different real estate companies of higher values than the price of the land leases, and I'd like to ask: First of all, I assume that those appraisals would be based on the value of both the land and the houses. Is that correct?

Mr O'Donohue: As a matter of fact, what I could leave with the clerk is appendix A—and they're well worth reading—which deals with the appraisals that were done by the three appraisers. There are options A, B1 and B2, C1 and C2. Option A is based on Bill 191, option B is based on the proposed legislation at that particular time and options C1 and C2 are based on conventional ground leases.

Ms Swarbrick: I'm assuming that none of the appraisals are based on our legislation. Is that correct?

Mr O'Donohue: No. These are based on actual 1981 values.

Ms Swarbrick: But given very different situations, I would put to you—given number one, that it included both the house and the land; given number two, that it did not include the restrictions on ownership that these people will be putting up with in terms of what they can then do in terms of disposing of the property, how much equity they can then take out of it. Those are very significant restrictions that those real estate companies would not have been considering at the time. The reference you make to putting—

Mr O'Donohue: Can I answer that question for you?

Ms Swarbrick: Yes. Well, if you can answer in terms of—are you saying that those appraisals were based on the same contexts—

Mr Stockwell: Why did you ask him if you don't want an answer?

Ms Swarbrick: You should talk.

Mr Stockwell: That's what you keep remarking at me.

The Chair: Order.

Ms Swarbrick: The question I'm putting is, are those appraisals based on the same conditions that our bill includes, which are very restrictive?

Mr O'Donohue: No. As a matter of fact, one of them is more restrictive: C1 and C2 of the ones that I gave you are based on 20 years by 4, which is quite a different thing; B1 and B2 are based on 99 years, one is based on 24 years and this is based on—I think it's running out in 2004.

Ms Swarbrick: Are any of them based on a very clear restriction on what people can then sell their property for after a number of years?

Mr O'Donohue: I really couldn't tell you, no, because it was a different system at the time.

Ms Swarbrick: That's, I would put to you, why fair market value doesn't apply, because we aren't talking about properties that will ever go out to the free market. They are very much constrained in the conditions attached to them.

I'd like to ask you one other question and that's with regard to Mr Johnston's report. He enlightened us about the Atlin arbitration, to set the rate of the capitalized leases that were felt to be fair, based on, again, a totally independent appraisal but looking at certain constrictions, although not as many as the restrictions we're imposing. According to the Atlin arbitration, the value of the capitalized leases that did include the houses as well as the land—and this is as arranged by the city—was set at \$46,950 for Ward's Island and \$62,586 for Algonquin. Do you know what the conditions were that that arbitrator considered in setting those prices?

Mr O'Donohue: I don't have it here before me, but I could tell you that if you really want to have the fair price of any piece of property, just put it on the market.

Ms Swarbrick: But Mr O'Donohue, that's the point. This land is not being put on the market.

Mr O'Donohue: No, but it could have been put on the market. We have got vacant lots out there right now. Why can't you put it on the market? Why not?

Ms Swarbrick: Just in answering your question, then I'll turn it over to Mr Marchese, I think that again we've got the same point I made this morning with regard to Mr Stockwell. We've got two different views of the world here. We've got a view of the world that looks at putting property on the market to go to the highest bidder, which obviously is in the interest of people who have the highest amount of money in our society, and then we've got the interest of people who want to maintain a community and who want to find ways to work the distribution of land in our society in a way that will allow for affordable housing without people making a killing by speculation on the real estate market. I think those are the two views that you and I represent here, which are different.

Mr O'Donohue: With all due respect, I don't think we do. I think you have very different and, may I say, a very unreal view of real estate. You're saying that houses out there or land out there would be bought by rich people who could afford it. I'm simply saying to you that when you put it on the multiple listing service of the Toronto Real Estate Board, it will give you a true value of what it's worth.

There are some lots that are vacant over there now. All you've got to do is put it into the Toronto Real Estate Board and you'll get all kinds of people who want it. A lot of people who have never owned a house before who may have saved \$5,000, \$10,000, \$15,000 or \$20,000 would take a chance in buying it and paying for a mortgage and building out there. They wouldn't be rich people.

Ms Swarbrick: So what you're proposing, which I'd argue with for a number of reasons, is a situation that would provide very clearly for the economic eviction of most of the people who live on the Toronto Islands.

Mr O'Donohue: No, I don't think they're poor at all. If you're talking about economic eviction, there are all kinds of people living out there. It's no different from any other part of the city, no different.

Ms Swarbrick: I will agree with you that certainly some of the residents on the island are not poor. I would certainly put to you that many of the residents of the island would not be able to afford to live there if they had to compete against fair market rates.

Mr O'Donohue: Many residents in my ward could never afford to live there because they're too expensive. They could never afford anything like that. I've got people in poverty in my ward who are paying \$700 and \$800 for a one-bedroom flat.

Ms Swarbrick: Then I'll close by saying I would think it's in the interests then of those residents to see that a pilot model of using a land trust exists in the city of Toronto so that in fact we can look at how we might better use it to make sure we provide more affordable housing for the people like your constituents. At that point, I'll defer to Mr Marchese for any balance of my time.

The Chair: He's had an opportunity; you can defer to Mr Grandmaître.

Interjection.

Ms Swarbrick: I didn't finish with a question. I finished with a statement.

Mr O'Donohue: I would simply say that I do have a licence in real estate, and I took it just for my own education—I've never sold anything—to understand what was happening on the Toronto Islands and what happens to property in a municipality.

My simple view is very clear: If you want to get a market reaction to something, list it and see what kind of reaction you'll get for it as a property. That's the way the system works in our democracy. If you want to sell your home, you can sell it privately or you can put it on the public agenda and try and see who out there is interested in it

Do the same thing in the Toronto Islands, the lots that are vacant right now. It'll give you a real, true understanding of what property is like, and then you don't have to take any of these appraisals. We paid over \$100,000 for the three appraisals we got; they were independent. But that's the way to do it if you want to get an honest and true opinion.

Ms Swarbrick: We're trying to protect the community.

The Chair: Mr Grandmaître.

Mr Marchese: That's was based totally on land and-

The Chair: Mr Marchese—

Mr Stockwell: You guys jump in a lot. You've got no respect for the Chair.

Interjection.

The Chair: Mr Marchese, you're out of order. Mr Grandmaître.

Mr Grandmaître: I remember those appraisals of 1987, because I was the Minister of Municipal Affairs in those days. Don't forget, the ministry at the time, Mr Parliamentary Assistant, if you want to go back to 1986 and 1987, through the Chair to you—

The Chair: No, no. Through the Chair to Mr O'Donohue.

Mr Grandmaître: Geez. We need a flag man here.

The Chair: No, it's always the same.

Mr Grandmaître: The ministry had—oh, Mr O'Donohue, I'm supposed to be through the Chair.

Mr O'Donohue: Yes, that's all right.

1400 Mr Marchese: We're wasting a lot of time.

Mr Grandmaître: Well, wasting time. I've listened to you for the last 10 minutes.

Mr O'Donohue, in 1987 the ministry had some appraisals done and, if I'm not mistaken, there was only \$3,000 or \$4,000 in variation between Algonquin and Ward's Island. At that time, if I'm not mistaken, back in 1986 it was still before the courts. We were arguing those appraisal values. Professor Rutherford was saying that when the Liberals were in power they didn't do very much. Well, we negotiated for two and a half years with the islanders and we thought we were getting closer to accommodating the islanders and the government of the day. Don't forget, the island would have been under the Planning Act. We didn't want to foul up the island. We didn't want to use floodplains to—

Mr Marchese: What else were you going to do?

Mr Grandmaître: Mr Marchese, you'd make a great echo.

I just want to say, Mr Chair, that I agree with Councillor O'Donohue. I think a lot has been said. To go back and say, "Well, Mr Bob Rae said this in 1990"—Mr Bob Rae changes his mind every 90 minutes, never mind 1990.

The Chair: Do you have a question for Mr O'Donohue?

Mr Grandmaître: No, I just wanted to say that I agree with his presentation and that I think the islanders are getting a very good deal.

The Chair: You can respond to that if you wish.

Mr O'Donohue: I would suggest to you that you have a presentation here as well from the city of Toronto. I was wondering whether or not that has been presented.

The Chair: Mr Perlin was here yesterday to give that presentation to us.

Mr O'Donohue: I was wondering whether or not there would be any thought given to this 99-year lease. I mean, that's one of the things that bothers me. I think that's key, because when we're gone from politics and the next generation and the generation after that come, I think there should be some way of reviewing that. Rather than having the 99 years and looking back and saying what an awful deal was made, I think there should be some way of

reviewing this, say, about 10 or 15 years from now or every 15 years, so that does not become the preserve of the rich. I'm going to say that, people who can afford to have someplace like that on a leaseback through the back door or something like that, because that's what's going to happen there. I would like some consideration given to that. I'm assuming that the way the government is stacked on this, it's going to go through, but I'm just looking to future generations of Torontonians, and indeed Ontarians, that they might be able to cancel this deal some time if that happens.

Mr Grandmaître: Like GST.

The Chair: Thank you, Mr O'Donohue. We appreciate your comments.

IAN J. BROWN

The Chair: The next presentation is Ian Brown. Good afternoon, Mr Brown. That's a great name. Welcome to the committee. You have 15 minutes allocated for your presentation.

Mr Ian J. Brown: Good afternoon. Thank you, Mr Chairman and committee members. I first moved to the island in 1981 and, with a few brief interruptions, have lived there ever since. Along the way I've been joined by a wife and two children. One of them attends the island school. I'm a member of the Toronto Island Residents Association executive. This is my first year on the executive. In fact, I became involved because I became quite interested and concerned that this situation be resolved.

I'd like to present to you today a few of my own views about Bill 61 which I hope may add something to your deliberations. I encourage you to consider improvements to the bill, particularly those recommended by the people who will have to live with it, the island residents, but I also would like to say that though perhaps not perfect, this bill represents a much-needed solution to securing the future of this unique community.

I guess I should give you a bit more about my qualifications. Though not a planner, I have worked for a number of years in municipal planning. I'm currently the director of economic development for the city of Etobicoke. I have degrees in commerce and business administration and I'm a member in good standing of the professional land economists, entitled to use the letters PLE after my name. I have visited a large number of waterfront communities in the past 20 years, during which time I was from time to time a member of Canada's national sailing team.

The island community is unique in many ways, but viewing it as an economic development professional, I would say it's a tremendous asset to Toronto and the surrounding area. It's the kind of thing upon which Toronto's reputation as a livable city is based. As someone who looks for elements to promote, to attract business and investment to the area, it very definitely is an asset worth preserving.

There are two key issues I would like to talk about today. There are many of course. The first one, in most detail—I've distributed a small handout to you—is the issue of affordability for the individual. I think I myself would have preferred a totally market solution to this situ-

ation, but then I guess I might be viewed as one of the higher-income members of the community.

In deciding whether that was the appropriate thing to go after, I had to consider that there are other members of the community and that this community is something I believe is worth preserving in its current form and with its current mix of individuals residing there.

By calculating what I myself will have to pay in terms of a monthly cost, I believe I was able to come to a better understanding of this matter of affordability, particularly thinking about it in terms of seniors and single-parent families who would potentially not be able to afford this. I believe it is for this reason that the bill provides for an affordable solution, but I will show in this chart that affordability is perhaps something that may not be available to everybody.

What may seem initially like a low price for the lease in actual fact is paid for over the long term, because what is being purchased is nothing in terms of the conventional form of ownership to which the previous speaker referred. If events of the past 30 years are any indication, this asset, which hopefully I will be able to purchase in a short while, will slowly and continuously lose value relative to the CPI and will rapidly and continuously lose value relative to other real estate prices. So we're paying a low initial price but a high ongoing price.

My first recommendation—I believe other presenters have already referred to this more fully—would be that the formula for the price should be amended to ensure inflation neutrality.

Going to the chart, I anticipate a few questions here. First of all, the first line reflects the difference in the lease price between Ward's and Algonquin islands. I myself, living on Ward's, would pay roughly \$300 a month for a mortgage.

Anybody who has improved his home will have had substantial costs. Anybody who has not improved his home to this point will have to incur those costs. From my experience of having had to do that, I would think anybody who has made no improvements to his home will be facing a bare minimum of \$50,000 to bring it up to code. In actual fact, I know I have far more than that invested in my house in terms of improvements.

Of course, at this stage it's not possible to get a mortgage on that. One has to borrow with a personal loan. I estimate that at \$400. Taxes, based on my own property taxes, will run approximately \$60 a month. Utilities—I have the bills to show it—run about \$190 a month; insurance, \$50; maintenance—I've put in what I think is a conservative figure there, remembering these are frame houses that require a lot of upkeep.

1410

These are out-of-pocket costs. Your maintenance may be recovered if indeed you sell the house at some point down the road, but for the individual with limited cash resources and limited income resources, those are real dollars that have to be paid out when the roof needs replacement, the house needs painting or various improvements are required.

There's a proposed sewer levy which is approximately \$45 a month. I guess this is a good point at which to tell you where I'm leading. I wish to point out how this would

compare to other housing alternatives in the city of a comparable nature in terms of cost. The sewer levy is not something others would have to incur.

There will also be a land trust levy. My estimate here is just that, an estimate, but it's based on preliminary budgets that have been prepared.

My cost for the ferry is \$220 a month. That's for two adults and two children, one of the adults travelling seven days a week, the other not quite as frequently and the children also not quite as frequently.

I also pay \$200 a month for parking. I use my car for business. My wife also requires a car. We've actually negotiated reasonably decent prices on parking for that area.

This comes out to about \$1,600 a month. I also estimate an opportunity cost on money already invested. That plus the interest on the cost of improvements equates to the amount of money I have invested in this house at present. I tend to ignore that, because it's after tax and because it's something that would not be a cash cost for the average person. I guess my point here is that it would not be difficult, for \$1,600 a month, to rent a fairly desirable bit of accommodation on the waterfront with comparable views and amenities today.

I've also done a bit of an analysis vis-â-vis home ownership. I estimate these figures compare quite favourably to owning a house that would cost in the neighbourhood of \$200,000. An interesting sidelight to this is that if I were to sell today in what is essentially a free market, I could afford to go and buy a house in the neighbourhood of \$250,000 to \$260,000, which is substantially above the average house price in Metropolitan Toronto, and incur no further cost.

To wrap up on this point of affordability, sure, people have chosen to live here and some of these costs are a result of having chosen that lifestyle, but what I'm talking about here is the actual out-of-pocket monthly cost that people are going to incur. Particularly, I'm concerned about seniors and other people on fixed incomes.

I would like to suggest that a couple of the previous recommendations be given serious consideration, namely, that those people who might have some difficulty affording this be given a trial period. I won't go into the details of that because, again, I believe it's been mentioned before; also, the deferral as far as seniors are concerned be extended to any senior who's eligible to purchase a lease. I feel it's very important to give people that option of home ownership when they have been living in a circumstance where they've enjoyed those kinds of benefits over the last few years.

I'd also like to make a few fairly informal comments, having read with interest the city of Toronto solicitor's report, in terms of the planning process. I think the reasons have been amply described as to why it's not possible in terms of the proposed bill to include all the provisions of the planning process, and the solicitor makes a plea for some right of appeal on behalf of the city.

I would argue to you that the individuals who perhaps most need the right of appeal are those who are going to be affected by the decisions. In some cases, such as pertaining to provision of services, the city will in fact require that, but particularly it's the person who's going to have a structure built next to him—and I would extend this, of course, to people living in the immediate area, our neighbours along the waterfront—who may be impacted by increased parking requirements as a result of the proposals of the bill. But, I guess, having viewed many battles in this forum in terms of the concerns of residents, what I believe must be protected here is the right of the individual who may be affected to appeal.

I would just like to close by saying I still feel that the provisions of the bill are valid, because we cannot afford in this circumstance to have things tied up with delaying mechanisms which, of course, the province has been attempting to address through the Sewell commission at present. So I'd like to speak strongly in favour of the bill and ask for a few minor improvements. I'd certainly be glad to answer any questions.

The Chair: One quick question from each caucus, starting with the government.

Ms Swarbrick: I think it was helpful. The Chair: The Liberal Party, Mr Eddy.

Mr Eddy: Mr Brown, in view of your occupation, are you not rather disturbed and incensed over the objectives of the government to exempt the islands from the planning processes and the protection of floodplains? Does that not disturb you, in view of your work?

Mr Ian J. Brown: Well, certainly, I'm not incensed. I've mentioned some things that I think would improve it. I don't know; I think perhaps "disturbed" might be a little strong, but let's put it this way: I would be reassured if those kinds of provisions that I mentioned were provided.

Mr Stockwell: Yes, quickly. I know Mr Brown, actually. He works in the city of Etobicoke, so I'm a little more close to the situation, I suppose, in your particular case than your typical islander. But the comment on your monthly budget: It's almost laughable, to be truthful, to even make the comparison that somehow the operation of this thing gets you up to \$2,000 a month.

Mr Brown would know quite well, knowing the city of Etobicoke as I'm sure you do now considering you've worked there for the past number of years, that you can go down to Mimico, Alderwood, Long Branch, New Toronto and find a comparable home, in some instances on postage-stamp lots; it would sell for \$150,000 or \$200,000. Their mortgage with nothing down would probably be in the neighbourhood of \$1,500 to \$2,000 a month.

1420

There's the real crunch. You pay \$300, and this person will pay \$1,500 to \$2,000 a month for their house. Anything else below that is, so what? Everyone pays taxes on anything they own. Utilities: Well, cut your cable off if you don't want to pay that. Insurance: Everyone's got to insure their building or their place. Maintenance and the value of the structure: I own a home; I've got maintenance on my house as well. The sewer levy is different, \$45; the land trust levy of \$40.

The ferry: Well, yeah, you've got to pay the ferry, and probably someone's got to jump on the bus or do whatever

it costs to run an automobile if they happen to live in Rexdale, which is significantly more than \$220 a month. Parking at \$200: That's what you're going to pay for parking. Lots of people don't have enough space in parking; they get on-street parking, and it costs them money per month.

So really, you know, so what? You're operating a house. I accept the fact you're operating a house. Everybody pays these costs when they operate a house. That's the process of buying a house. If you don't want to pay them, don't buy the house.

The big difference is mortgage. You're going to pay \$300 a month. You can buy a house on a postage-stamp lot in Mimico, Long Branch and New Toronto for the same size, in some instances the same quality of house, as you would know, and pay \$200,000: \$2,000-a-month mortgage compared to \$300.

Take this to those people and explain to them how yours is going to cost you \$2,000 and it's going to cost them \$4,000; you get to live there for 99 years, they pay their mortgage off over 25 years. That's the only difference. If they pay their mortgage off after 25 years, they can sell it as they wish, and this gentleman will get a lease for 99 years to pass on to his children and his children's children and so on. That's the difference between \$200,000 and \$300,000 and \$36,000. This should be entered in the fantasy section of this debate, Mr Chairman.

Mr Ian J. Brown: Mr Chairman, I'm presuming that there's a question there about—

Mr Stockwell: There was no question. If you want to comment, be my guest.

Mr Ian J. Brown: —the costs, but I point out to Mr Stockwell, through you, Mr Chairman, that the costs I've listed are all costs which a renter would not incur.

Mr Stockwell: You're buying.

Mr Ian J. Brown: Okay. I'm comparing it first to the possibility of renting comparable accommodations, and then in fact I've compared it to the cost of purchasing. In those calculations—and I'm removing the opportunity cost issue—there's a \$40,000 sum that's available for a down payment, and on a \$200,000 house that would leave a \$160,000 mortgage which would have to be paid. You can further deduct the \$50,000 that I have invested in the house. Mr Stockwell's comment that all I'm paying is \$300 per month for my house is not correct; there's \$90,000 worth of value there which has been paid for already.

Mr Stockwell: You didn't own it. That was your mistake.

Mr Ian J. Brown: I paid contractors.

Mr Stockwell: Caveat emptor, my friend.

Mr Ian J. Brown: This person in Mimico who you suggest might be happy to pay that kind of money would pay only for a lot then and wouldn't be able to live very comfortably on a vacant lot.

Mr Stockwell: Nobody asked you to buy the house.

The Chair: That's an adequate response. Thank you, Mr Brown, for coming today.

Mr Ian J. Brown: Thank you, Mr Chairman.

The Chair: We have two matters that I think it would be appropriate for us to speak to. First, Mr Mills would like to clarify issues surrounding the Planning Act.

Mr Mills: Not exactly about the Planning Act, but there has been considerable discussion about the potential flooding, the risk of a potential flood etc. I can make a couple of comments. MNR has indicated that the sea walls, along with other protective works, are in need of repair. Remedial work must be carried out in order to protect the existing community on the islands. New development can safely take place in selected areas once work to protect existing development is under way. A steering committee has been established in order to evaluate appropriate remedial work. Given the general state of disrepair of the existing sea walls and other protective structures, MNR is saying that the work would have to be carried out on the Toronto Islands irrespective of Bill 61 being passed or not. I hope that clarifies, to a degree, the flood situation.

Mr Grandmaître: Thank you for the information. I agree with you that you can do just about anything if you really want to pay to develop or put up a project or a building on a floodplain. I realize this. It's being done every day. Is it feasible, though, if we want to build a co-op? To me, a co-op is to add, let's say, a residence at an affordable rate. Will it be affordable with all those extra costs you've talked about, the engineering cost, because there are a lot of costs involved in what you've just mentioned? Will it still be affordable? That's my question.

Mr Mills: It has to be done anyway. It doesn't matter.

Mr Grandmaître: No, it doesn't have to be done. You don't have to intensify the density. You don't have to.

Mr Mills: No, it has to protect the existing community there.

Mr Grandmaître: Yes, but— Mr Mills: It's got to be done.

Mr Grandmaître: You're talking about two things: You're talking about an existing problem and also you're talking about intensifying the density, and it's going to cost you twice as much, maybe three times as much, to provide these services to approve a development. This is what I'm getting at.

Mr Mills: Yes. I'm suggesting that—

Mr Grandmaître: To improve the shoreline, you've got to do it.

Mr Mills: What we have to do has no bearing whatsoever on the co-op. It's got to be done anyway to protect what's there now.

Mr Grandmaître: Yes, but, Gord, I'm saying more will have to be done to increase the density. This is what I'm getting at.

Mr Mills: Not according to the—

Mr Marchese: Just as a response, because it was raised, Mr Chair—

Mr Grandmaître: You will have to build on stilts.

Mr Marchese: Two things. There's an existing sea wall. In the view of many, that existing sea wall has been

in good shape for a long time and is likely to be in good shape for a long time. As the parliamentary assistant has said, whatever work needs to be done to the sea wall, if there has to be, would have to be done in either case. Whether there is additional building or not, it might have to be done in either case. This improvement to the sea wall is not being done because, all of a sudden, we're going to get more housing of the units.

Mr Stockwell: We understand that.

Mr Marchese: Oh, I'm glad.

Mr Stockwell: Now tell us what it's going to cost. We understand that. That's clear as glass.

Mr Marchese: It didn't seem to be.

Mr Stockwell: The question is, what is it going to cost to build the co-op on floodplain land? The sea wall's got nothing to do with the cost.

Mr Grandmaître: It's been there for 100 years.

Mr Marchese: That's not a problem.

The Chair: I'm certainly glad we've clarified this issue.

Interjections.

Mr Mills: I shouldn't have said anything.

Mr Grandmaître: No problem. It's only money. He says it's only money.

Interjections.

The Chair: Order.

Mr Stockwell: Put that into the record. Rosario said it's not a problem.

Mr Mills: That's what you get for being helpful. I was trying to be helpful.

The Chair: Order. I'm almost afraid to clarify the next issue. Yesterday Mr Stockwell asked that the research people would get the Supreme Court ruling regarding the Toronto Islands and, Lorraine, you have that and I think it's been distributed to the members. We have Susan Swift here to take us through that.

Mr Marchese: Could we do this at the end?

The Chair: We do have a witness who has been rescheduled, so actually this is more convenient for everyone.

Ms Susan Swift: It will take just a matter of a few brief minutes. You have two documents, I think, that have been passed out to you. The first is the decision of the Divisional Court. It has the date on it, April 25, 1984. The second is excerpts from the Atlin arbitration report, which sort of makes sense or gives some meaning to the Divisional Court decision because without it, it's a bit vague.

The Divisional Court was asked to rule on five questions submitted to it by the arbitrator and it answers, of course, yes to question 2. That question is posed in the arbitrator's report. If you look at page 10 of the report, it says, "As a matter of contract, if the leases between the tenants and Metro (or the city) were terminated and not void"—and that deals with the first issue the arbitrator looked at—"do the leases determine who is the owner of

the building." The Divisional Court has ruled that, yes, it

In fact, they say on page 3 of their decision, "In regard to question 2, it is our view that the question of ownership of the structures on the lands is res judicata"—meaning that the issue has already been determined by the courts—"it having of necessity been determined to be in the municipality of Metropolitan Toronto as a result of the decisions of various of our courts in the proceedings relating to the writs of possession."

In other words, the issue was not squarely before the courts previously, but because of the decisions of the courts on the writs of possession, it has to have been determined.

The history on the writs of possession and the court proceedings preceding the arbitrator's report and the Divisional Court decision are also set out in the arbitrator's report. This is just for your information. If you look at page 6 and following, it sets out the various decisions that preceded the arbitrator's report. I believe that's the decision you were looking for.

Mr Stockwell: Right. In layman's terms, who owns the houses and who owns the property?

Ms Swift: Metro owns both.

Ms Swarbrick: According to?

Ms Swift: According to the Divisional Court.

Mr Stockwell: The law. Thank you.

Ms Swarbrick: No, according to a report that's been done that pre-dates the legislation, of course, that's now being put in, and—

The Chair: The question is, does the court decision—

Ms Swarbrick: It's contrary to the position of the three political parties in the province.

Mr Stockwell: God help me. There must be a God. Help me. Please, Lord, help me.

Mr Mammoliti: Only the Lord can help you.

The Chair: Whoa.

Mr Stockwell: I think so. Looking across, I know it. I know He is. George, I believe it.

The Chair: Are there some questions of Ms Swift regarding—

Mr Mammoliti: No, we'd better hurry up and get this legislation through.

Ms Swarbrick: One question: Is it not true that courts in fact expropriate property as well?

Mr Grandmaître: Rush it through, eh, George?

The Chair: Order.

Ms Swift: Yes, it's my understanding they do.

Ms Swarbrick: It was claimed yesterday that this is the view of the islanders in terms of the effect of this court decision, that it's expropriation.

The Chair: Thank you. We appreciate it.

Ms Swift: You're very welcome.

The Chair: Thanks to the entire research department. We will take a 10-minute recess.

The committee recessed at 1432 and resumed at 1449.

QUEEN CITY YACHT CLUB

The Chair: The committee will come to order. The next presentation will be made by the Queen City Yacht Club, Mr Wayne Smith and Mr Don Martin. Good afternoon. The committee has allocated 15 minutes for your presentation. Introduce yourself and your position within the yacht club and start as you will.

Mr Wayne Smith: Thank you very much, Mr Chairman. My name, as you read, is Wayne Smith. This year I am the commodore of the Queen City Yacht Club. Scheduled to join me today is Don Martin. He's also a member of the yacht club and he's club counsel. He would be able to speak to some of the points of the bill a little better than I could, but I believe he's detained in court, so I'll go ahead and proceed.

What I plan to do in the short time allotted is to give a little background on Queen City Yacht Club, try to illustrate for you the interest of our club in this bill and this whole proceeding, identify a few problems we see at this stage that we're confident will be able to be dealt with, and finally, concerning those issues I'll raise, I brought a book that we had prepared marking the centennial year of the club in 1989 and it will illustrate some of the points I'll talk to specifically on the club location.

Briefly, then, Queen City was formed in 1889. Today, by many standards of yachting facilities, we're a very small club. We have about 250 members. Our roster shows about 40 of those members are island residents. Access to membership at our club is completely undiscriminatory. The objects of our club are to encourage members to become proficient in the management and handling of their yachts and in navigation, all matters pertaining to seamanship, and to promote yacht architecture, building, sailing and yacht racing.

Queen City first came to Algonquin Island in 1920 or 1921. The city clubhouse facilities, near the foot of York Street, collapsed into the harbour one night after, the story has it, the harbour commission was dredging nearby and the shifting sand caused the club to collapse. We took over the lease, and then it was called Sunfish Island. The records show that at that time the only other occupant on Sunfish Island was a YMCA camp. They're not there any more. The houses, we are told, were added in 1938. So we consider ourselves about the oldest continuing resident on Algonquin Island.

We run an active racing program for our members. We participate in other clubs in the promotion of sailing. We have quite a junior sailing program which we're very proud of. About 75 youngsters each year participate in July and August in a full-time sail training program that's open to members' children and non-members' as well. We are what we call, in our own words, a working man's club, and what that means, quite simply, is that we're self-help and usually, for most members, it means we have a lot of work.

Ms Swarbrick: Do you allow women?

Mr Smith: Oh, certainly. We have two women members on the board of directors right now and probably in senior members there must be at least half a dozen.

Mr Marchese: So it's a workers' club.

The Chair: Wait. There's an opportunity to ask questions.

Mr Marchese: A working persons' club.

Mr Smith: I'll correct that; I'm sorry.

The membership undertakes all club maintenance activities that we physically can do. A good example of our work ethic, and I'll just point it out to you, is our haul out and launch of boats each year, which we do manually on greased timbers. It's quite a team effort and I think it's one of the best examples of club spirit that you could see.

Our small membership is constrained by our location at the island, and we accept that. The mooring capability is already small. The island location causes us to incur many costs. We have to run a fleet of boats to operate the club. Shipping goods over and what not is more expensive.

I guess in the brief time we've had to prepare on the bill—I can certainly point out to you that we hadn't been involved in this process as a club board until about two weeks ago—we can see and have the sense that the establishment of the trust is a viable solution to the island residents' situation. We support the island community. I want to make that very clear, and we wish it to remain very strong and vital. We're part of this environment, and of course the same goes that we want to see ourselves remain strong and viable. In this regard, we hope that the trust would not alter in any way, compromise or affect or damage at all, the long-term viability of Queen City.

In this regard, I can raise that our single concern at this stage is that about two thirds of our moorings on Algonquin Island and Ward's Island are on to sea walls and parklands that are not adjacent to the club-leased ground, and therefore, as things sit today in the bill, it's not part of the exclusion included on the scheduled properties.

The specific points of the draft bill that we see right now in the object of the trust, the plans for the lands and buildings to be vested in the province, then the trust, determination of leases and then finally in what is scheduled properties say only the lands on Algonquin Island that are leased to us now are excluded from the schedule. Our use of the sea walls for moorings and the parkland to get on and off the boats is a fundamental requirement for the club. Queen City must be assured access and continued use, and I'd say unfettered use, of that land for moorings. Also, the junior club facilities are in the same shoreline area.

The existing lease arrangement with Metropolitan Toronto includes the shoreline on Algonquin and Ward's islands. It does specify, I believe, that the moorings are to be governed by the regulations of the Toronto harbour commissioners.

One consideration that I can raise to you that the Metro lease gives the club right now is that it assures us somewhat of being able to maintain a competitive position and viability vis-à-vis the other clubs. Metro negotiates periodically a standard term of lease for all Metro area yacht clubs, and although we feel that with the island location we have more costs and our lease should be lower, at least it gives us somewhat of a cap. The Metro lease gives us an automatic renewal right for 21-year periods and that type

of being-able-to-grandfather lease provision, being assured of some competitive benchmark in terms of the lease, is very necessary for the continuing survival and viability of the yacht club.

The only other concerns I raise at this stage, and I gather your hearings will be reviewing this in detail, is that we're concerned that with the creation of the trust we'll still be able to maintain all the services that are available: the maintenance of the parklands, for instance; services as routine as garbage cans located along the road to keep the park clean; regular maintenance work on the trees, the roads; the provisions of picnic tables that has been done year after year by Metro and by the city; access to the boardwalk, the beaches, the public playgrounds etc—that all that continues.

Because of the sea wall and the access on and off the sea wall outside the area adjacent to the club lease, just being able to continue those privileges and rights on into the future is one thing, but we're also concerned practically that some body, higher authority with the resources available to it, will be responsible for maintaining that wall.

There are areas of the wall that will fall into disrepair, or are starting to now, and we can certainly foresee the point in time where some work would have to be done. In the area where the sea wall ends from in front of the fire hall area, it's just shoreline and beach. We've installed a floating dock assembly there because the water is shallow, and what is happening is that the beach is eroding into the lagoon and it's going back further and further. I think at some point in time we're certainly going to have to address the necessity for a sea wall or shoreline protection.

That's the extent of my comments. I think the only thing I could add is that I brought a copy of this centennial book that we commissioned in 1989, and the main purpose of it—it certainly gives quite a history of the islands and our place on the islands, but there's a very good picture, an aerial photograph of the yacht club, and it shows in very plain and simple terms how we occupy the wall and what the sea wall access and the adjacent parkland means to the club.

We have existed this way for many years. As I said, we were the first resident on Algonquin Island. We'd like to see this relationship maintained and in fact secured. We think the principles in the drafting of the bill so far have certainly contemplated the place for Queen City Yacht Club by, in the schedule, excluding the lands that we lease. The only proviso that we want to identify at this time is that very important consideration has to be given to the two thirds of our actual boating facility that's tied on the wall.

I could certainly leave a copy of this, but if I could circulate to the members this picture that shows the sea wall, the only thing I can add to help illustrate is that the leased portion of the yacht club is this portion here with the buildings, and you can see the marine cradles. The leased portion I'm referring to that I believe should be covered in the act is all along here and then this whole wall along Ward's Island.

1500

The Chair: I think Mr Mammoliti has a question.

Mr Mammoliti: Excuse me for being so naïve in terms of yachts and yacht clubs. I've never been able to afford such a luxury. That's why I need to ask some of these questions. First of all, in terms of leasing the spots you have for your yacht club, do you lease them from Metro?

Mr Smith: Metropolitan Toronto.

Mr Mammoliti: What are the charges for the lease? How does that work?

Mr Smith: I don't have the particulars of the lease here. There's an acreage charge based on the land and I believe the water rights we have, and also the shoreline.

Mr Mammoliti: What do you pay to Metro a month to lease it?

Mr Smith: I don't have the exact number. I think the lease for the sea wall and the acreage, which is probably two or three point something acres, might be in the order of \$7,000 or \$8,000 a year.

Mr Mammoliti: How many members do you have in the yacht club?

Mr Smith: There are 250 members in all categories.

Mr Mammoliti: What do they pay?

Mr Smith: It's very different rates. The senior members of the club, who are primarily the boat owners and operators, are about 125 members out of the 250.

Mr Mammoliti: What do they pay to be members?

Mr Smith: Annual dues at the yacht club are about \$1,000.

Mr Mammoliti: A year?

Mr Smith: Yes; then the mooring fees.

Mr Mammoliti: So monthly it's \$7,000 to Metro to lease?

Mr Smith: Yes.

Ms Swarbrick: Per year, you said.

Mr Smith: Per year, yes.

Mr Mammoliti: It's \$7,000 a year?

Mr Smith: Yes.

Mr Mammoliti: To lease from Metro.
Mr Smith: And that's for the lease on—

Mr Mammoliti: What does that work out to, then, per member, in terms of a daily premium? What does that work out to per member?

Mr Smith: I didn't bring my calculator.

Mr Mammoliti: Is it anywhere around \$1 a day? I'm just wondering.

Mr Smith: I think the net result, and the important thing to keep in mind here, is that it's easy for you to sit there and say you've never been able to afford to join a yacht club. Today our junior members can start out sailing for about \$300. That's how much it costs to learn how to sail and join the club as a junior member. As we have to accommodate boats and what not, our rates are competitive and intended to be competitive with Toronto Island

Marina. They're certainly a lot less than the other island yacht clubs.

Mr Mammoliti: I'm sorry to cut you off. I still wouldn't be able to afford it. I think Mr Marchese would like to ask some questions.

The Chair: Mr Marchese may ask a question if the opposition doesn't have a question.

Mr Mammoliti: Can I give him any time that's left over?

The Chair: There isn't any.

Mr Grandmaître: I just have a few short questions. You refer to the shoreline and the sea wall and so on and so forth. I must admit that I'm not too familiar with your lease. Can you tell us, in your lease, who is responsible for the shoreline and the sea wall? I mean the condition of the sea wall.

Mr Smith: It's leased—and this will get a little bit beyond my understanding—from Metropolitan Toronto. The long-term relationship is that Metro controlled the park and the sea wall. Now the wall is—

Mr Grandmaître: But in your lease, though. I'm talking about—

Mr Smith: We lease the shoreline. What that includes is access to the sea wall, on and off the boats etc. I don't think it's clearly set out right now who would maintain the sea wall if it caved in, for instance. I think, with the existing levels of government responsibility, today it would be split between Metro and the city. The only concern I raise is that with Metro and the city out, and it's the responsibility of the trust, it might not be equipped with the resources to repair something like that. The old marine facilities a few years ago, the wall at the north end of the eastern gap caved in. Things like that happen just with age.

Mr Grandmaître: Who repaired it?

Mr Smith: It's still sitting there. They put some buoys around it.

Mr Grandmaître: And you're paying \$7,000 a year.

The Chair: Thank you, Mr Smith. The time allocated has expired. We appreciate you coming today.

Mr Smith: Thank you for the opportunity.

The Chair: I'm sure all members will have a look at the book that you showed us.

Mr Smith: I could leave that with the committee, if it would be helpful.

TORONTO ISLAND LAND TRUST

The Chair: The next presentation will be made by the Toronto Island Land Trust, Sarah Miller. Good afternoon. You've been allocated one half-hour by the committee for your presentation.

Ms Sarah Miller: I hope I won't need it all. I'll try to be fast. I have lived on the island with my daughter for 22 years. I work as a community legal worker in Toronto for the Canadian Environmental Law Association, and I'm speaking today primarily as one of the islanders who originated, I guess, the idea of applying the land trust concept to our community and brought that idea to the attention of

the provincial special adviser, Richard Johnston. I am also on the executive of the residents' association and on the board of the Flying Toad Co-operative Homes.

When we first started to look at the concept of land trust, we loosely termed the group that was doing it the Toronto Island Land Trust, TILT, and it felt very much as if we were in fact tilting at windmills. It was an idea that we ourselves didn't know that much about. However, once we started to look into the history of the land trust movement, we really found that it was a growing one, not only in the United States but here in Canada, and that a lot of people in Ontario are looking into land trusts as a new tool to solve many of the old, chronic problems, particularly planning problems.

To give you a bit of history, islanders have always anticipated that any resolution of the island issue would involve a non-profit option, so in 1978 we established a co-op. After this government was elected, there was an occasion, a political will, to look at this question again. We dusted off the co-op corporate papers that dated back to 1978 and started to look them over. One of the things that we discovered when we looked at it and kept hearing from people was that our co-op model was much more like a land trust model, in many ways, than a co-op.

So a group of four island women decided to really look further into the land trust model. What we found was in fact that it was a model that mirrored in very many ways the characteristics of the existing community. Because it had so much promise for our own community, we also feel that it has a lot of promise for other communities in Ontario.

I'd like to give you a little history of the land trust movement, because it is really very interesting. It began in the United States and was spawned by the economist Dr E.F. Schumacher. Schumacher, in turn, was inspired by the success of work that Gandhi had done on land reforms in India, where something called "grandams," community-owned lands, were given to landless people to farm, and allowed them to be self-sufficient. Schumacher's book, Small Is Beautiful: Economics As If People Mattered, suggested that such small-scale development like land trusts adds value to local communities, because that value is never lost to those communities, but it remains with them always.

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The civil rights movement in the 1960s created the very first land trust in North America to overcome rural poverty by providing land to a group of black farmers in Leesburg, Georgia. That trust is still very successful and going on today. The removal of the cost of the land from the equation allowed those people to remain on the farm, make farming viable and afford their housing and shelter costs as well. The value added by individuals' efforts accrued to the value of the community by building its self-reliance. As one founder of the land trust has said, "Only in small, bounded and peculiar places can we be human."

Because of the happy accident of geography, I think the Toronto Islands are one of those very small and peculiar places. Our boundaries and isolation have led to a kind of natural development of a local economy of scale which the land trust movement has always tried to achieve. When islanders need funds for some community projects they sell goods and services to each other. One island-established tradition is the dream auction to raise funds for island children to go on trips. This auction often offers not only goods but also all kinds of services, like free carpentry, plumbing and gardening advice.

Self-reliance is another goal of community land trusts and one that has been a necessity for the island community. Rather than turning to mainland agencies to provide services, the island community has provided its own by creating such things as a school, many day cares, food and building co-ops in the past and a health care network. I'm sure you've heard of a lot of these and will continue to hear of them in the next few days.

Another fundamental principle of the land trust movement is the promotion of active stewardship of the land. That too has a parallel in the past efforts of the island community, which has worked hard with city parks and a special committee to stop spraying programs, to protect environmentally sensitive areas and to replenish dwindling island trees. Beach cleanups, community composts and gardening projects are also regular activities of our community. The community land trust model, as we learned more about it, fit not only the islanders' housing goals of limited equity, no economic eviction and the retention of public ownership and enjoyment of the parklands but truly mirrored the way the community has carried out its life.

Yesterday Mr Johnston was asked by some members if the land trust model has potential for other Ontario communities. As I've mentioned, many people are endeavouring to create their own land trusts now in Ontario. Since the 1960s, land trusts have steadily developed in the United States, and the most successful kinds of trusts are the conservation land trusts, which have saved millions of acres of wetlands, forests and environmentally significant lands from development. These trusts are growing as fast as the rate of about one a week. Trusts to preserve agricultural lands are keeping farms viable and affordable. In large American cities the urban poor are getting a new start by converting their poor-quality rental units into revitalized community trusts. Local businesses and banks are sharing in those investments by helping to fund them. There are land trust advocacy groups, and they increasingly have Canadian members, like the Land Trust Alliance and the Institute for Community Economics. They provide not only practical advice but also utilize revolving loan funds to help land trusts get started.

Recently in Ontario was the first gathering of land trust advocates hosted by the University of Guelph, and there many people shared stories of their successes in resolving local land use disputes by creating trusts. The province and local governments I think are right now focusing a tremendous amount of their own resources on reforming land use planning. The Sewell commission's New Planning for Ontario, the recent Royal Commission on the Future of the Toronto Waterfront, Toronto's Cityplan '91, the Ministry of Municipal Affairs policy guidelines on growth and settlement and even Metro's new draft plan all espouse more

community involvement in planning and the principles of stewardship and community care over lands.

Planning in the province really is desperately in need of reform because it's become such an acrimonious exercise, and mostly an exercise in saying no. Community land trusts offer a tool for communities to say yes to planning because it's their planning. It comes from the grass roots up and it creates value within communities rather than lining the pockets of developers.

It's very important that the government realize that healthy community trusts will be trusts with diverse aspects. Just as the island trust merges affordable housing and park preservation goals, there is a real need being demonstrated for other multipurpose trusts. Right now, in response to this public interest from a variety of sectors, the province's ministries of Agriculture and Food, Natural Resources, Housing and the Ontario Heritage Foundation are all independently considering the trust model. It will be very important for all of the province's agencies to cooperate on and coordinate their work to allow for a very flexible model for land trusts that can be adapted by communities to their own needs. Trusts won't work if they are top-down and are not seen to be community-generated. There is a serious risk that this could happen to the Toronto Islands community trust as it is currently structured in Bill 61.

The task of making the very first community trust in Ontario a success is a daunting one for our community. We certainly will not be able to retire to a well-deserved rest. After we sign our leases, the real work will begin. We will have to continue our plans for building new housing. We'll have to generate a plan with the scope of a Metro official plan. We're going to have to plan for continued and improved park use with park users and the city, and plan for the maintenance and use of the three public buildings that will now become our responsibility as the result of Bill 61.

If individual islanders are not allowed to democratically elect their own representatives qualified to serve on the trust to carry out this work, the purpose of the trust will be threatened. If community control is not enshrined in the legislation, the self-reliance that's so essential to the success of the trust will be jeopardized. We feel this is fundamental to the success of this first provincial-community partnership, and we would ask you to please accept the amendment proposed this morning by our lawyer, Bruce Lewis, to ensure that our trust continues in our partnership trust and that the Toronto Islands can continue to be a much better, slightly bigger but still human and very peculiar place.

The Chair: The Liberal caucus first. No questions?

Mr Grandmaître: Well, maybe a short one.

The Chair: All right.

Mr Grandmaître: Ms Miller, you do put a lot of emphasis on the future planning of the islands. I asked the question earlier this morning, how come the minister has excluded the islands from the Planning Act? It has me very, very concerned, because you're absolutely right. With the John Sewell commission and all the commissions

that are going around this province trying to improve planning legislation, for the first time we're excluding the Planning Act. We're putting the Planning Act aside, and it has me very concerned that the minister will have the power—if not the Planning Act, then the minister will acquire those powers—to do just about anything he or the ministry wants to do. It has me concerned. Are you aware that the islands will be excluded from the Planning Act?

Ms Miller: Yes, I am.

Mr Grandmaître: What do you think of the situation?

Ms Miller: In a way, it gives me relief, because I don't think this issue should be revisited again by a tribunal or a court. We have spent decades and decades in the courts and tribunals going over and over this issue.

Mr Grandmaître: No. I realize this. But the fact that everybody else is guided—

Ms Miller: I think the intention of the exclusion was to avoid a long and lengthy, drawn-out OMB hearing, revisiting the issues that have been visited for years and years. I have faith that the community will, if anything, overdo the planning exercise. I think you're going to be hearing from a witness a bit later this afternoon about our stewardship committee and the exhaustive efforts that both that committee and the co-op have already put into beginnings of a planning process.

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I would hope that the role of the Ministry of Municipal Affairs on the board of the land trust—it will be sitting on the board—will act as the province has acted in special planning policy areas, like the whole waterfront, where it has declared those areas as special policy areas and has become involved in the future planning. I would think that would be a mechanism of oversight to ensure that the proper kind of planning goes on within the land trust.

Mr Grandmaître: One last question, Mr Chair, a very short one: Let's say that the minister or the ministry or this province, this government, wants to put up a project that you people are against. What appeal mechanism will you have to appeal such a project? You can't go to the OMB. Where will you appeal?

Ms Miller: It's a good question, and I don't know. I presume that the current structure of the land trust board, with a majority of community members, would mean that there couldn't be something that was—

Mr Grandmaître: Reasonable.

Ms Miller: —given birth to by the land trust that wasn't in some way accepted by the majority of the members of the trust.

Mr Grandmaître: Good luck.

The Chair: Mr Stockwell? Mr Turnbull? All right, Mrs Harrington.

Ms Margaret H. Harrington (Niagara Falls): You brought forward some very important ideas. The first one I noted was how important it is that the land trust work and that you feel an obligation to show that it can work and work well as the first model in this province. I'm very

concerned about that as well because we do want to look at other options in this province and that's certainly one.

You bring forward the request for an amendment to elect your representatives. I would just like to put on record that I believe that's a very important question at this point in time and that I am concerned about it as well, because it's tied in with how the land trust will work and function well.

I have two questions for you. You're on the executive, and we also heard from Ian Brown. He will be one of your colleagues on the executive, I understand.

Ms Miller: Yes.

Ms Harrington: We're probably hearing from some more people on the executive as well. I feel that you have a sense of community right now. How do you look at the idea of having more people living on the island, further development of the island? Does the executive of your organization share a common opinion that this would be helpful to your community and enrich your community, or are there questions around that? Secondly, how do you envisage the community in 10 years, say, down the road?

Ms Miller: Well, 10 years down the road, I hope we would have a community that's much more reflective of the ethnic makeup of the city of Toronto, because we certainly don't now. I think that's because of the instability that has existed there for the last 20 years.

I personally am very excited about the growth of the community, and you might get a different answer from everyone you talk to in the community. This community is just a shadow of the former community that used to exist there. I'd love to see new energy there so I can retire.

Ms Harrington: Is that shared by most of the people?

Ms Miller: I would say yes. I think there is some fear of change and what change can bring, but I think that we are really just such a small remnant of the really vibrant community that was there previously. I'm looking forward to new ideas, new faces and new energies and I feel that most people in the community feel the same way.

Mr Marchese: Sarah, I want to make some comments on the whole issue of planning and why the minister lifted the planning on the islands and ask you for your reaction to that as well, because it was raised by a number of members about lifting planning and not allowing the city to have zoning power over the new development. As I understand it, the ministry is only lifting this planning for development of housing and not for hotels or anything else, for that matter, on vacant lands.

Ms Miller: That's right.

Mr Marchese: It was important clearly so that housing could proceed quickly; otherwise it would be a problem. We couldn't begin quickly.

Ms Miller: That's right, and all the repairs of the existing housing will have to comply with—

Mr Marchese: Existing zoning powers, right. The minister, as I've stated earlier, has the zoning power, which means that he would be able to veto anything that was deemed unreasonable or contrary to what was envisioned.

I presume that the trust would be working very closely with the city planning department so that the trust plans in accordance with existing city zoning. Do you not envision that?

Ms Miller: We already are. In fact, they held a series of workshops last winter—I think it was four or five workshops at our clubhouse—to inform our community how they would handle the future renovations and growth in the community. We're working quite closely with our own local planner, Joe D'Bramo, and making every effort we can to comply.

Mr Marchese: I think that was interesting and important for the other members to hear as well, because it's not that the trust will be working on this on its own without any expertise or knowledge. Presumably the members of the trust would have the knowledge but obviously will be working closely, as you just mentioned, with the city people. So I don't see that as a problem.

Ms Swarbrick: Sarah, some members of the committee still have difficulty accepting that the values ascribed to the land leases are fair values rather than overly generous ones to the community. Could you describe why you think that the cost of the land lease should be seen as fair to the broader community and to the taxpayers?

Ms Miller: I think there is confusion between the value of the house and the value of the land. These lands are still remaining in the public domain, and it is our hope that they will be enhanced for public use from their current level now. We're not gaining. We're in fact giving up the equity we have in our homes in exchange for the right to remain in the community, and I think that the land lease we're paying is comparable to the land lease anyone else on that island is currently paying now. You should be asking the yacht clubs. They seem a little vague on the amounts of moneys they're paying for their leases.

We're putting in a tremendous amount of effort both to provide services to park users and to provide our own services. If you compare the value we get for our tax dollar to the value other city residents get for their tax dollar, you'll find that we are underserviced. Mr Perlin alluded to this. I think you need to balance those things. The fundamental principle of the land trust is that the value of the land is kept at a level that makes the use of it affordable.

Mr Mammoliti: While the yacht club was responding, I did some mathematics here. It works out to 15 cents a day, \$28 a year for 250 members. So I think you're paying a little more than the yacht club members in terms of your lease.

Ms Swarbrick: Actually, Mr Chairman, I have one last quick question. Somebody the other day mentioned that the price Metro had charged to the residents for the rents was in fact about \$150 to \$200 per year, as of the last time Metro charged rents during—

Ms Miller: That was before I was actually on the island, so I don't know. But, yes, it was a fairly minimal amount. I guess that was at the time when the leases were due to expire and they'd begun expropriations as well.

The Chair: Thank you, Ms Miller, for appearing today.

1530

FLYING TOAD CO-OPERATIVE HOMES INC

The Chair: Our next presentation is from Peter Dewdney, Flying Toad non-profit club. Good afternoon, sir. You've been allocated one half-hour for your presentation.

Mr Peter Dewdney: We're right on schedule. I don't know if we'll be using the whole half-hour.

The Chair: I run a tight ship.

Mr Dewdney: The name of the corporation, incidentally, is Flying Toad Co-operative Homes Inc, and I'll get to the origin of the name in a little while. My name is Peter Dewdney. I live on Ward's Island on the Toronto Islands. I've been there for, I guess, about 20 years. I'm the president of the founding board of Flying Toad Co-operative Homes, and of course I'm speaking in support of the legislation before you today.

Cooperative housing is a form of community, of management, a way for residents to control and be accountable for the management style, for how money gets spent and how members shall be involved in volunteer activities relating to that management. It is a way of creating a sense of ownership without having financial equity. It is a means of maintaining and ensuring that housing remains affordable.

Although co-ops, along with municipal non-profits, private non-profits and OHC housing are all lumped together under the description of "social housing," in fact the only commonality they have is that they are not-for-profit and that government money is used in their construction to subsidize some of the more needy members. As for the social problems often associated with social housing, you will rarely, if ever, read or hear criticism of co-ops in that regard.

The fact is that co-ops are excellent places for people to have an opportunity to develop skills and experience a level of self-esteem they could otherwise enjoy only as a home owner. It comes back to the success that the co-op model has enjoyed in creating a sense of ownership in its history in Ontario and throughout the country.

Flying Toad Co-operative Homes was recently incorporated and proposes to build up to 80 new units of housing within and adjacent to the existing island community. It proposes to accept membership as well from existing island residents who own homes but who wish to sell their homes into the co-op. Interest indicates that there could be as many as 30 such cases. I'll explain more about Flying Toad's plans, but first I'd like to tell you a little bit about the predecessor of Flying Toad, the Toronto Island Residents' Housing Co-operative.

In the early 1970s the island community became somewhat controversial in its determination to resist the efforts of the Metropolitan Toronto council to raze the houses to expand the island park. During those years of controversy, one of the most frequent criticism we were subjected to was that we would make a huge windfall profit by virtue of any extension of our lease that would give us continued

possession of our houses and the potential for selling those houses into the marketplace. At one point, at a general meeting of community members, the community decided that it was interested in its houses as shelter—I think the last speaker referred to this as well—not as equity investments from which we could profit.

Further, it was recognized that any solution to the crisis that would afford islanders a sense of security would have the effect of displacing existing island tenants, as landlords would decide to return to the island or possibly sell their houses from under the tenants. The community repeatedly endorsed the principle that existing islanders should not be forced to leave for economic reasons or by virtue of being evicted by a landlord who would then come back to the island as a fair-weather friend to sell the house from under the tenant. We had of course balanced those landlords' very real interests as well.

Recognition of these island positions was partly the basis for Mr Swadron's recommendations that, ironically, made Bill 191, An Act to amend the Metropolitan Toronto Act, 1981, so difficult to realize. The difficulty was that Bill 191 not only recognized that islanders should not profit from their homes, but went one step further and had us paying rent to Metro for the houses we had bought and built. The court ruling that the lapse of the ground lease put the ownership of our homes into Metro's hands did nothing to quell the islanders' and the public's sense that such an outcome was unfair.

The islanders had already developed a non-profit method of buying and selling houses within the bylaws of the Toronto Island Residents' Housing Co-operative. This consisted of third-party control in which the seller would receive the depreciated replacement value of his or her house, representing precisely the value of what he or she had put into it. This represents a minimum amount of money, which the seller could then use, if he or she had to move elsewhere for economic reasons or for reasons of opportunity or to move closer to family, towards the down payment on a house elsewhere or to establish some security elsewhere and establish a new life.

This formula-based third-party model is the central mechanism by which a land trust will maintain privately held housing stock on a non-profit basis. You've probably heard about that already, and you may be hearing more. It is in this historical context that the recent incorporation of Flying Toad should be viewed. The only reason we incorporated it under a new name was to form a corporation whose bylaws would be consistent with the provincial government's programs governing co-ops. Up until our transition meeting, we had developed our current plans within the original board and membership. That original membership, by the way, stands probably at about 80 members currently. I think there are about 40 households that we're aware of that would be interested in coming into the co-op, and I think 40 would include single individuals who would come in on a sharing basis. So there would be a real mix of one-, two- and three-bedroom units and a couple of fours as well.

The legislation that is before the committee establishes a land trust for the portion of the Toronto Islands in which the community is situated. Its proposed responsibilities, among other things, include the leasing of lands to individuals in the co-op. When it became clear that the present government was committed to enacting Richard Johnston's recommendations, islanders began to interview various non-profit housing development consulting groups to determine which would be the most appropriate for us to work with, and at the same time learn as much as possible about the provincial non-profit housing programs. Finally, we settled on Lantana Non-Profit Homes Corp as our development consultant.

As you may be aware, Lantana is a non-profit—that's a bit redundant—housing development consultant. They work with a community-based board from a project's inception until the year after the built housing has been tenanted. They act as a resource to assist in the selection of the architect, to facilitating the creation of a design that incorporates the architect's strengths, meets the community's needs and conforms with the Ministry of Housing's guidelines, help with the targeting plans, and indeed provide very strong and professional supports throughout the life of the development of the project. Above all, they keep an eye on the budget and make sure that the money comes in under MUP, the maximum unit price, which is the financial program that permits or governs how much can be spent on developing the housing.

Lantana has been at this for many years and has built an excellent reputation. They work with the community as well to determine its housing needs and work with the board of directors to formulate a targeting plan—well, I didn't think it was in there, which is why I mentioned it a minute ago.

You may know that Mr Johnston had recommended and the legislation proposes that the co-op will be one of the vehicles by which island residents who are currently tenants may avoid being evicted from the community by returning home owners. There are a number of underhoused and aging islanders who are also interested in the co-op options.

The building of co-op units provides us with a splendid opportunity to increase the ethnocultural diversity within the island community. Over the years, the islands have remained basically white middle-class, not because anyone practised discrimination but because friendship circles tended to reproduce the same mix when houses changed hands. Also, for many people outside those circles, the idea of moving into a geographically isolating community and suffering the kind of political turmoil that it was experiencing may have been intimidating and a real factor in not making the community as accessible as it might otherwise have been.

Flying Toad will be making a special effort to reach out to identifiable communities in order to better reflect the ethnocultural diversity of Metropolitan Toronto when it opens up its membership list. We are targeting at least 50% of our units to non-islanders. Our targeting plans may fluctuate, depending on how many units we are actually able to develop. In any case, the Toronto island community will become more accessible to those who might not normally consider living there.

The insertion of new housing into the existing island community is probably unparalleled in its potential for impact. The addition of 80 homes into a community of 250 homes would represent an increase of close to 30% in the community's size. This increase would have implications for the island public school, the amount of seating space on the winter ferry, the Ongiara, the demands on community clubhouses and so on. The community is anxious about the scale of change that will take place within it, but at the same time I think a lot of us are really excited at the opportunities that these developments will afford us.

We should end up with, I think, a healthier, more vibrant community in which there should be sufficient numbers to take on the inevitable volunteer workload that the land trust will entail.

In order to integrate the co-op's housing plans into the needs of the wider community, a design committee was struck under the auspices of the stewardship committee. The co-op board and members participated as partners in this process. I believe that there were hundreds of hours of meetings and walkabouts that culminated in the production of what we call the "blobby site plan" for the co-op. The blobby site plan is one that describes the areas in which we and the community feel comfortable with locating housing, but the actual footprints of that housing have not yet been defined. With some principles about the considerations as to where such housing could be placed in relation to the community, what aesthetic standards would apply to the built form, taking note of places within the community that seemed to work very well as they were and other places that didn't seem to work very well and might be more appropriate to build on and reform in some ways, having also very strong regard for environmental concerns, because there are a number of sensitive areas on the islands.

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One of the first tasks of this committee was to organize a presentation to the community by a short list of architects. Flying Toad took into consideration the community's evaluations of the architects' presentations in choosing the architects who would work on the project. I think the architects were Simon and associates, Hough and associates and Black and Moffat. We ended up choosing a conglomerate of three firms because they all had different skills which they could contribute. They're all under the coordination of one firm, Simon and associates, and it seems to be working fairly well.

As the architects began to proceed with their work, a concern was raised by the Metropolitan Toronto and Region Conservation Authority with respect to possible flood and wave upsurge damage in the area of the co-op's primary site on Lakeshore Avenue. I have trouble saying the words "wave upsurge" without giggling, but there are, and I recognize that there are, serious concerns and we should never dismiss the dangers that water and storms can produce. But we're talking about an area just adjacent on the south side and west of the existing community, where very gracious and charming housing was standing until the 1950s and 1960s, when it was demolished. It's hard for us in the community to fathom why there should be concerns now when there was never any difficulty experienced by

those people when the breakwater was built at a lower level than it currently exists.

The community felt very comfortable with this housing site, as its impact on the community and on the environment would be less than many of the other sites. The province has undertaken to study the issue to assess if in fact the risks are real and what, if any, remedial work would have to be done to make this area suitable for housing. I think the island as well is participating in that study, or pays for that study.

However, what we have had to proceed with is our preliminary site plan work considering only other areas within the community for development at this stage. So what we've identified as the primary area for co-op housing we have had to set aside and the blobby site plan I referred to a few minutes ago is totally within the existing community in what we would have called our secondary site locations.

One of the concerns that many community members expressed has been that the whole development should not proceed at the same time but should be phased. I guess the setback with respect to the studies around the wave surge may in fact produce that effect. We may phase in the housing in a couple of development sprints.

As a result of our planning exercises we have identified sites within the community that would accommodate in the neighbourhood of 50 to 75 units of co-op and land trust housing. The co-op is very anxious that the other lands become freed up so that we might meet all of our targeting goals. That is to say, if we developed 70 units between us and the land trust and we were only to get 30 or 35 of those units, then we might not be very viable in meeting some of our targeting goals and meeting the existing needs of community residents for whom Richard Johnston felt that this was an option, and also for our city-side friends. So the co-op doesn't really feel very comfortable with those as total housing numbers, and I guess we're very anxious that the other lands become available to us and enter the land trust so that we can develop something that's going to serve a little better.

The members of the Flying Toad housing cooperative feel that the Toronto Islands stewardship act is critical to the successful development of cooperative housing in the island community. It is no exaggeration to say that there is a great deal of interest in this proposed legislation among housing and community experts here, in the United States and abroad. I think the co-op members of the present do, and those in the future will, feel part of something quite historic as a carefully thought-out model of how a community can take more responsibility for its own administration and that of the land it sits on is realized.

I believe the co-op has a critical role to play in the creation of a more open and vital island community. I think that role is worthy of your support and I would urge committee members to support this legislation. Thank you for your time.

The Acting Chair (Mr Ron Eddy): Thank you for your presentation. Time for questions.

Mr Turnbull: Let me just ask you about this question of the floodplain. You're talking about wave surges. Clearly,

the reason planning has evolved in the last few years, particularly since Hurricane Hazel, around the concern of building on floodplain is the demolition of houses by floods and the risk to life and limb. As well as that, there is usually a hue and cry from the people who are affected by these for some sort of compensation out of the public purse. Could you comment on that?

Mr Dewdney: I don't want to diminish the motives for which the concerns have been raised and I do take them seriously. There's an interesting photograph in the possession of the Ministry of Natural Resources of a wave crashing over the breakwater in the middle of Hurricane Hazel. It's quite a dramatic picture. That was an onshore, full-scale wind at that time. The breakwater was lower at the time than it is now. It's been raised since then. But even that event didn't seem to damage anything or threaten life or limb.

Mr Turnbull: I don't want to suggest this is my principal concern. I think the economics of it are the concern that I have. I would ask you, in view of the fact that you're getting such a sweetheart deal—there's no doubt about it, this legislation is going to go through; the government has indicated it's going to go through and its got the numbers—would you be prepared to suggest to all of the island community that it would be reasonable for them to sign an agreement in perpetuity that they would never ask for compensation from any government authority if there were any flood damage?

Mr Dewdney: That's interesting. That's a proposition that I've raised myself. I believe the government and the ministries are not interested in that sort of agreement because it may not free anybody from liability in the end. But it's an interesting question.

Mr Turnbull: But you would agree it would be reasonable to protect the public purse in that way?

Mr Dewdney: I don't know. Like all legal documents, lawyers would make lots of money from it. Where do you draw the line? You have to anticipate all the other things you may be freeing yourself from unreasonably. So I would say in principle: perhaps.

Mr Stockwell: Even in the end, the government could just change the legislation and pay them out anyway.

A quick question: Have you ever built a non-profit or cooperative housing building without an official plan or under the Planning Act or with zoning regulations in place?

Mr Dewdney: I'm not a co-op builder. I have been involved in the building of a shelter out in Scarborough. I'm the president of an existing co-op. I would say there probably hasn't been such an experience, because this is a very unique situation.

Mr Stockwell: That's right, it is unique. That is why I have this question. I can foresee a ton of problems if you're not subject to at least the Planning Act. Do you?

Mr Dewdney: I don't know. You hire architects or professionals. They operate under the Planning Act everywhere else. I wouldn't anticipate that between our development consultant, the architect and what we could use

from the existing Planning Act as a guide, we would have a ton of problems necessarily. I don't necessarily agree with you.

Mr Stockwell: Last, if the residents have a disagreement and wants to take it someplace like the Ontario Municipal Board, where do you take it? Where would you appeal to?

Mr Dewdney: Somebody within the community who has been denied—

Mr Stockwell: Anybody. If Joe Blow decides he thinks this is unreasonable, it's unworkable, it's too dense, it's too high, all the bazillion things you can get, where do you take him? The pumpkin in the sky? I don't know where you appeal this to.

Mr Mammoliti: Mulroney.

Mr Stockwell: Mulroney, from my friend George; Mulroney or George.

Mr Dewdney: I think that's something worth looking at. I don't think there's anything that is currently contemplated that would do that.

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Mr Stockwell: I could see a complaint though.

Mr Dewdney: I can see a complaint too.

Mr Stockwell: I could see an islander coming in and saying, "Gee, this is too high," or, "That's an ugly brick," or, "The door doesn't open the right way."

Mr Dewdney: With respect, the land trust would have the powers to create its own bylaws with respect to height limits and density requirements.

Mr Stockwell: I know, but whom do you appeal it to?

Mr Dewdney: The community, as members of that board, would be fully participant in the development of those bylaws.

Mr Stockwell: Say you've got one bad actor who says, "Gee, this is terrible."

Mr Dewdney: Okay, so you've got one bad actor. As it is, we could squash the actor, but we don't want to do that and the community would never buy that.

Mr Stockwell: You wouldn't do that, I know.

The Acting Chair: Thank you. Mr Marchese, please.

Mr Stockwell: Darn. We were so close there to the answer. We'd identified the bad actor.

Mr Marchese: Peter, on the issue of flooding, when was the last flood we had on the islands?

Mr Dewdney: I think in 1973 and 1974. We had high water in both those years. I think what we had was some puddling here and there, because the water table was up over some of the lower parts of the island. In fact, I remember walking out on the sidewalk one March day and seeing ducks mating in one of these puddles in the middle of the sidewalk.

Mr Marchese: Charming. Peter, did that damage the homes at that time?

Mr Dewdney: No. There were concerns raised by the city of Toronto health department with respect to the toilet holding tanks.

Mr Marchese: Any previous flooding to that in 1973? Prior to that, was there another flood?

Mr Dewdney: I think Hurricane Hazel. In fact, as the water came over the breakwall, somewhere between the fire department and the ferry docks there was the flow of some water right into the lagoon. I'm talking about something like that. I wasn't there for that but I've heard about it.

Mr Marchese: I think I heard you clearly that you don't disagree with the conservation authority working with the islanders and other players in looking at the existing seawall to see whether repairs need to be made and to what extent there might be problems. Do you accept that?

Mr Dewdney: I would be more concerned about the breakwall on the northeast part of the islands that faces city-side. There is deterioration in that wall. I'm not an expert on breakwalls, but I don't think there's any significant deterioration on the other breakwall. We are more protected on that side now by the land spit than we were before. I think we'd be willing to work with other partners on this, but we're a little wary that we not get caught up in a megaproject spirit. We don't want to contribute to a sense that this is where we're going to build big things, employ thousands of people and spend a lot of taxpayers' money, because we're not interested in that.

Mr Marchese: The point of liability is one of the reasons why the ministries are concerned about doing the study. That's part of the point that Mr Turnbull raised. But on the issue of zoning, it's the minister who has the zoning power.

Mr Stockwell: No, you're wrong.

Mr Marchese: Yes, he does. The minister has the zoning power.

Mr Stockwell: Under this bill? Mr Marchese: Under this bill.

Mr Stockwell: Sorry.

Mr Marchese: So zoning is subject to the ministry. As I said earlier, they would be working with the city, as I understand it, so the two are going hand in hand. I'm assuming the trust is a democratic body that will be appointed to carry out the stewardship of this and it would act as the OMB. No, it doesn't act as such, but one assumes that through that process, people will agree or disagree and in the end, in spite of it, you'll have people disagreeing.

Mr Dewdney: Perhaps to some degree, yes, like council. I'm the general manager of a co-op in the Don-St Lawrence neighbourhood. It's interesting looking at the co-op model, because they develop policies out of their bylaws and procedures. If somebody is unhappy with a decision that staff have made, he can appeal to the board of directors. That may be the appropriate appeal forum.

Ms Harrington: Would you tell us why you're called the Flying Toad instead of the Mating Duck?

Mr Dewdney: I never did get to it, did I?

Interjection.

Mr Dewdney: Chris will be interested in this answer too, because it was during the time when we were—

Mr Stockwell: Metro's at the bottom of this, I know.

Mr Dewdney: I think so.

Interjection: While Chris was there.

Mr Dewdney: Well, almost.

Mr Stockwell: It's probably my fault.

Mr Dewdney: No. In those heady days when we were in real political crisis, we had a block captain system, people to help disseminate information in the community, organize the community. We had this system of block captains and the block captains were called the Flying Toads. That's where the name came from. We hope it's not too provocative.

Ms Harrington: This was in a political campaign?

Mr Dewdney: It was during the days leading up to when there was talk about the sheriff coming.

Mr Stockwell: That was 20 years ago.

Mr Marchese: It was when the Tories were in.

Mr Stockwell: Yes, those bad Tories under Bill Davis.

Mr Marchese: It was 43 long years.

The Acting Chair: Thank you. Mr Grandmaître, do you have a question?

Mr Grandmaître: I think most of the questions were asked but I'd like to—

Interjections.

The Acting Chair: Order, please.

Mr Grandmaître: I'm still very concerned, even listening to Mr Marchese's explanation of the Planning Act and the floodplain. That floodplain has been in existence for the last 100 years. If nobody is worried about this, if nobody is worried about the floodplain, how come the conservation people didn't strike it out from the official plan?

Mr Dewdney: I don't know. They must be worried about it.

Mr Grandmaître: Absolutely. So it's not only us. Somebody else is worried about the floodplain development.

Mr Marchese: They're studying it.

Mr Grandmaître: I think, going back to what the pope just said, "Who will you be appealing to if you don't agree with the development and you don't have a planning act to rely on?" It's going to be very difficult for you. With all the goodwill of your friends on the islands, if one objects—

Mr Dewdney: You're looking at the politics of government, I guess, to some degree—

Mr Grandmaître: That's right.

Mr Dewdney: I think you're talking about devolving certain powers to a local level where we're going to have to take on the same kinds of responsibilities that upper levels of government have.

Mr Grandmaître: As a planning board.

Mr Dewdney: To some degree, as an agent of the minister's powers, I guess, in this case, because I think the minister would have the last word in any affair that he felt was viewed as very serious.

Mr Grandmaître: They need more than a land trust. They need a planning board with power under the Planning Act. But anyway, this is about the 10th time I've asked about the Planning Act, so I quit.

I want to go on record on this: The parliamentary assistant has just whispered to me, "Well then, Ben, they can appeal to the cabinet." My answer is no, you cannot appeal to the cabinet, not under the new rules of the OMB since it's been—

Mr Stockwell: You can't appeal to cabinet— Mr Grandmaître: Yes, it's been transferred—

Mr Stockwell: —unless the OMB hears it anyway.

Mr Grandmaître: Yes, you can't appeal it. Now it's under the wing of the Minister of Municipal Affairs. The minister who's responsible for this bill is saying: "No, don't appeal to me because I'm the boss. I'm introducing this legislation." He's not going to write himself a letter. Well, who knows? He might.

Mr Eddy: I'd like to follow up and ask the question, do you think there should be an appeal body and who would you recommend?

Mr Grandmaître: That's a great question.

Mr Dewdney: The answer occurred to me in the middle of this discussion. The co-op model in fact, I think, works very well. I think processes could be built into the land trust governance that could ensure that there was a fair hearing, that there could be in the end representation by counsel. I don't know. It's wide open. I don't see any reason why the community could not handle that administrative function.

I think it's quite legitimate that if somebody felt his interest was so threatened, he would appeal to the minister himself or herself, but I don't think the minister necessarily would want to be in that position, so I would leave it at the local level.

Mr Stockwell: You're going to end up in court for 10 years.

Mr Dewdney: We've been in court for 10 years before.
The Chair: Thank you, sir, for appearing today.
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FRED GAYSEK

The Chair: Our next presentation is from Fred Gaysek. Good afternoon. You've been allocated 15 minutes for your presentation, sir.

Mr Fred Gaysek: I'm sure that should be ample time. I've provided the copies and I'm going to read a shortform version of what you have before you.

My name is Fred Gaysek. I have been living on the island for 11 years and I'm a member of the TIRA executive. I'll read some comments on the general community background to this legislation and the community process, and then I will outline a few concerns that we still have regarding the legislation.

The Toronto Islands residential community has existed in a state of political uncertainty for almost 40 years. Today, as a result of Richard Johnston's inspired report, the determined work of this provincial government and the thousands of hours committed to this legislation by island residents, all of us, including the city of Toronto and Metropolitan Toronto, are on the verge of a fair and visionary solution to the political, social and financial issues that have stood in the way of preserving the island community.

The Toronto Islands Residents Association, TIRA, has endorsed Richard Johnston's report and solidly supports Bill 61. This legislation will implement the proposals made by Richard Johnston and will achieve a fair solution to the island issue, a solution that has broad support throughout Toronto, a solution that not only protects a particular community but protects the public interest at large.

In 1981, changes to the Municipality of Metropolitan Toronto Act were made by the provincial government which prevented the demolition of island homes by the Metro government. However, there were problems with that 1981 amendment, Bill 191. Those problems allowed Metro to thwart the original intention of the legislation, which was to protect and stabilize the island community.

Apart from the serious social and financial costs borne by the members of the island community as a result of Metro's actions, the unresolved situation meant that islanders could not obtain mortgage loans to fix their houses as was required of them by Bill 191. We were denied building permits by the Metropolitan government and so were further hampered in our efforts to rehabilitate our degenerating housing stock. The Toronto Islands Residential Community Stewardship Act, Bill 61, returns ownership of the homes to those entitled and creates a community-based land trust that will provide a stockpile of affordable housing well into the future.

Survival of the island community has been a provincial matter since the Conservative government passed Bill 191 in 1981. This government is putting into effect promises made by the Liberals in 1985 and supported by all three parties. It is acting in a fiscally responsible way to resolve this issue. Bill 61 ensures the renewal, rehabilitation and preservation of one of the city's oldest neighbourhoods at no cost to the public and provides a unique land use concept that maintains an affordable and self-sustaining community.

Bill 61 protects the public interest and does not burden taxpayers. The lease amount that islanders will pay is for ground rent only. As in the case of any other home owner, islanders will be responsible for all costs of home ownership. Unlike the case of any other home owner, islanders will not be able to profit from the sale of their homes, nor will they be able to choose the buyer of their homes.

The existing community will produce enough revenue through the individual lease purchases to allow it to be financially self-sustaining. Islanders will lease land under the umbrella of a land trust that is set up for the purpose of affordable housing and those lands will remain in the public trust.

Metro paid only \$1 for all of the Toronto Islands lands, and it is common practice for governments to make public land available for non-profit housing for a nominal fee. In this case, there is virtually no cost to the taxpayer. As stated in a report by city staff, a community operating under a land trust umbrella is less of a social and municipal burden than

public housing. In fact, unlike other Metro communities, islanders have agreed to pay 50% of the capital cost of the community's sewer installation.

The Toronto Islands Residential Community Stewardship Act will result in no economic eviction for members of one of Toronto's most extraordinary and healthy communities. It will provide accessible housing through the use of waiting lists maintained by both the land trust and the co-op. The instrument of a land trust to hold the island land offers the province a new method to add to the provincial co-op housing program. It provides affordable housing by removing the prohibitive market costs of lands by keeping those lands in trust and it encourages healthy communities by fostering a high level of community involvement in the planning, stewardship and control of community development.

The Toronto Islands residential community is well placed to be the first demonstration of the land trust model because it already has a high level of community involvement. Islanders have independently developed informal stewardship arrangements for the care of their environment, community members' needs, education, recreation and other values. As well, they have undertaken a variety of waste reduction initiatives.

The island community is willing to take on a greater stewardship role and its members are prepared to embrace collective responsibilities and give up some of the traditional individual rights that members of other communities hold. The Toronto Islands Residential Community Stewardship Act is a fair solution that moves towards realizing an increasingly accepted vision of what makes a good community.

Bill 61 preserves a community in which 70% of households had a 1991 annual income lower than \$50,000. In 1991, 24% of the households were seniors on fixed incomes and 16% were single-parent families. In 1991, 51% of community members had lived on the island for more than 20 years. As in the past, anyone can live on the island within the context of a finite number of available homes. The land trust board will establish and maintain open lists of applicants whose placement on the lists will be determined by publicly acceptable criteria.

The Toronto Island Residents Association, which is comprised of all members of the residential communities on Ward's and Algonquin islands, annually elects an executive. This executive carries out the business of the association by following a set of community principles, and you do have a list of some relevant principles there on that sheet. Executive decisions and actions made on behalf of the association must be in accordance with these principles. All major decisions or actions, and certainly any decisions or actions that stray from these principles, are brought back to the community for discussion and approval.

During the past two years, the TIRA executive has engaged community members in processes designed to achieve an articulate vision for the future. This formed the basis for various kinds of community planning sessions. Issue work groups were set up to study specific aspects of Bill 61 and the regulations, such as house appraisals, land

leases, land trust lists, protected occupancy, stewardship and so on.

These groups and the executive have distributed a great deal of printed information for community discussion. Block meetings and information meetings were held. More work than ever before was carried out by the members of the Toronto Island Residents Association. A massive effort was made, tens of thousands of dollars of TIRA money, raised by house levies, were spent and much good work was accomplished.

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As stated, TIRA strongly supports the basic principles of Bill 61 and commends everyone who has worked long and hard on this legislation. There are, however, a few remaining problems with the legislation and regulations. The written and oral presentations by other islanders, other members of the TIRA executive, by Chris Wilson of Lantana Non-profit Homes and by Bruce Lewis of the firm Lewis and Collyer, the lawyers representing islanders in this process of establishing a community-based land trust, have outlined the key issues that remain outstanding. What follow are three items that TIRA would like to underline at this time.

(1) Corporate structure of the trust: Bill 61 simply states that the board of directors is to be constituted as provided by regulation. The draft regulation provides that the board of the trust shall have a maximum of 15 members, of which a two-thirds majority shall be residents of the Toronto Islands residential community. TIRA feels that the requirement and procedure for appointment of island representatives to the land trust board should be fixed in the legislation.

Given the political history of our community during the last 40 years, we feel that the legislation should provide the community with some protection against the risk of adverse appointments to the land trust board which, under the current wording of the legislation, are at the discretion of the government of the day. We would like to remind the committee that during the second reading of Bill 61, several of us in the legislative members' gallery clearly heard opposition threats to undo Bill 61 once their party formed the government.

However, of greater significance to establishing a viable and positive model for operating a community-based land trust is that the land trust board should be accountable to the community as a whole. A 15-member board that provides a majority to islanders can be constituted to protect both the interests of the specific community that will be affected by its decisions and the interests of the broader public.

The very nature of the island community carrying out its fiscal and corporate responsibilities through its own self-governing body would be quite different from what would develop with the land trust under Bill 61 as it is currently worded. TIRA requests that this committee give serious consideration to the proposed amendments to section 12 of Bill 61 as put forward by Bruce Lewis and attached to this document as an appendix.

(2) Qualification age for senior's discount: Subsection 17(4) of Bill 61 sets 65 as the qualifying age for seniors applying for the discount. TIRA recommends that the age

be changed to 60 so that younger seniors who are in financial need are not excluded. Such a change would be more consistent with provincial government practice in analogous situations. The Ministry of Housing uses the minimum age of 60 in its definition of "senior" for qualification for seniors' housing and rent-geared-to-income assistance. It is our understanding that this definition is followed by all local housing authorities and most other non-profit housing providers. This proposed change would harmonize the practice in relation to the land trust with the practice that the island co-op will be required to follow.

(3) Inflation-neutral appraisal and resale formulae: TIRA has made detailed submissions to both provincial financial staff and political staff regarding the house value, land lease and resale formulae set out in the regulations. These staff members have recognized our position and have made certain changes to these regulations. However, a few more changes are required to ensure that islanders are not disadvantaged or do not benefit through the effects of inflation.

In conclusion, the Toronto Island Residents Association takes this opportunity to thank the members of this committee for their thoughtful work. Bill 61 is an inspired act that provides a fair and visionary solution to the island issue, a solution that not only preserves our community but protects the public interest. Bill 61 creates a community-based land trust that will provide a stockpile of affordable housing for future generations. The Toronto Islands Residential Community Stewardship Act is a proactive solution that is fair to all and provides the legislative groundwork for realizing a marvellous model of a vital, viable and economically self-sustaining community.

The Chair: Thank you very much for your presentation. Unfortunately, the time for questions does not exist, but thank you for coming.

Interjection.

The Chair: No. We're out of time.

Mr Gavsek: Thanks a lot.

LESLIE YAGER

The Chair: Our next presentation is scheduled to be from Leslie Yager. Ms Yager, good afternoon. You have been allocated 15 minutes for your presentation. You may begin.

Ms Leslie Yager: I will introduce myself. My name is Leslie Yager and I've come to support the bill that you're considering. I'll tell you a little bit about myself. I'm probably one of the few Liberals who is appearing before you to support this bill, but I am a Liberal.

I did live on Toronto Island about 15 years ago, but now I live in North Toronto and I have no financial interest in the island. I have some friends there, but I don't own any properties and I don't wish to live there again. So I hope you'll take my comments as somewhat of a neutral person coming from the north part of the city.

I am an active member of the Liberal Party of Ontario. I worked for Ian Scott for five years at his community office and I recently ran unsuccessfully to be nominated to run for the

Liberals in the upcoming by-election in St George-St David. So that gives you a bit of my background and my prejudices.

Ms Swarbrick: And hopefully your ability to persuade your colleagues over there to be objective.

Ms Yager: I have been trying to persuade them.

I just have a few comments to make, and here they go. I'm not a property appraiser so I can't speak as to whether the value of these land leases is fair value, reasonable or whatever. I know it's a concern for my Liberal colleagues that it might be too low and they don't want any sort of sweetheart deal or a windfall being given to Toronto Islanders. But I would like to make the following points and ask the committee to keep them in mind when considering the question of the value assigned to those leases. I should also tell you that I'm a real estate lawyer, so I know something about real estate and property and things like that.

First of all, the proposed legislation restricts the rights of the islanders to transfer both their houses and the land leases. The ability to make a profit on that transfer is also restricted, which will have a great impact on the market value of the lease.

Secondly, I want to remind you that you're only talking about land leases. I know that not all members of the committee have even been to the island; these lots are very small. The lots on Ward's are only 45 by 50 and the lots on Algonquin 45 by 95 feet, so they're small properties with a restricted right of ability to transfer.

Mr Mammoliti: You wouldn't be able to put a yacht on there.

Ms Yager: No.

The Chair: You're out of order, Mr Mammoliti.

Ms Yager: Thirdly, access to the properties is limited. There's no vehicular access so everything has to be carried: all your groceries, all your supplies, all your building materials, all your laundry if you don't have a washing machine etc. There are no cars allowed on the island except by special permit. So this also, in my opinion, greatly reduces the value of the land lease and should be taken into account when you're talking about the question of value.

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Five years ago, when I worked in Ian Scott's office, there was a waiting list for affordable housing of about 17,000 people, and I understand now that list is about 25,000 people. I'm currently a director of Nellie's Hostel for Women, and I can tell you the need for affordable housing continues to be very high, especially for women and children. We've had such an increase at Nellie's over the past 10 years that we had to put in a play room and a day care centre. So despite the fact that the vacancy rate in Toronto has gone up a bit, the need for affordable housing is still very great.

As I see the bill, it provides a mechanism whereby 250 existing homes can be saved and upgraded and brought to current standards, plus it allows for the creation of new non-profit housing to occur. From my point of view, even if I had never lived on the island I'd be encouraging you to go ahead and pass this bill for that reason alone, because it

gives you a great opportunity to acquire and to build non-profit housing without having to buy the land. So it's going to be very reasonable to proceed with the development portion of the bill.

I know that everyone here is worried about money; we all are. There have been some comments to me like, "Can we afford to do this?" But in looking over the bill, I don't see that it really costs very much money. In fact, it seems to be a moneymaker because the province is going to get \$1,000 per household when the initial transfers occur. There are 250 households, so that's \$250,000 falling into your lap with relatively low costs involved.

Lastly, because I hope that you will see me as somewhat neutral, I'd like to talk about some of the common misperceptions people have about Toronto Islanders. The first one that's been mentioned to me over the past couple of days is that these people are a bunch of lawless squatters. This is not true. You've probably been told this, but I'm going to tell you again: These people initially came to the island with the approval and authority of the municipal governments that were running the island at the time, when housing first started there. In fact, on Algonquin Island, almost all the houses were built by veterans with grants from Veterans Affairs and with the encouragement of the Department of Veterans Affairs. I'm also advised that the Swadron commission actually looked at this question of squatters from a legal point of view and ruled that in fact the islanders aren't squatters and don't have any squatters' rights whatsoever. So, they're not squatters.

The second common misunderstanding is that everyone on the island is rich, or that there are lots of rich people there who are going to get a big, juicy bonus out of this. I think if you look at Richard Johnston's survey of income, you'll see that in fact the island community is actually a bit below the Metro average in income. These surveys have been consistent, even from the time I lived on the island. It has always been about that mix; in fact it seems it's slipping a bit in terms of income level.

I can tell you from working in a downtown riding office that mixed-income communities work much more successfully than communities that are not mixed. You can just compare any project run by Cityhome to something like Regent Park; in terms of the way the properties look, the crime rate and the way people feel about them, it's much better to have a mixed-income level. That should be encouraged, and it is encouraged in co-op housing.

Another misconception that's out there floating around is that once this legislation goes through, islanders are going to cash out and make lots of money, which isn't true. The legislation controls this very strictly. The seller and the purchaser can't even meet; the seller has to either sell to family members or directly to the trust. So as an old real estate lawyer, I can't figure out any way anyone can make money out of this. It's clearly a right to remain in the homes that you have, and not a right to make a profit and walk away from a situation.

Another misconception people have about islanders is that they don't pay their way: They don't pay their taxes and they don't pay their land rent. I don't know if they pay their taxes or not; I don't work for the tax department. I

think some of them do and some of them don't. But I can tell you that for years and years Metro Toronto would not accept land rents. So even if they wished to pay—you're shaking your head, but that's how it was.

Mr Stockwell: They were not paying us; they were paying the city of Toronto.

Ms Yager: Well, when they were paying you, you guys wouldn't take it. The final misconception is that somehow the islanders don't want other people to use the island; they want to hog it for themselves, which isn't true at all. I think the declining attendance has more to do with the way Metro parks runs the island. For example, in the winter there are no public washrooms open on those lands, so it's not a very pleasant experience for anyone to go over there as a casual visitor. There are no snack bars. There's no cafeteria. It's pretty tough. I don't think that has anything to do with the islanders. They don't run the rest of the island; they only look after their own properties.

That's what I have to say. I support the bill. I hope everyone will give it a fair review regardless of the politics of the people who live on the island and I hope you will pass it. That's all I have to say.

The Chair: Thank you very much. We have questions.

Ms Yager: Oh, oh, questions. Oh, no.

Mr Grandmaître: I'm going to use your own words: "as an old real estate lawyer."

Ms Yager: Oh, oh. I'd better get the bill out now.

Mr Grandmaître: No, not exactly.

The Chair: You have only two minutes.

Mr Grandmaître: Two minutes? As a former real estate lawyer; how's that?

Ms Yager: Okay.

Mr Grandmaître: A much better choice of words. Do you think the islands should be exempt from the Planning Act? Have you ever worked in your life as a lawyer on a project where that project was exempt from the Planning Act?

Ms Yager: Isn't it designated G, the other part?

Mr Grandmaître: No.

Ms Yager: Oh. No, I don't think they should be exempt from the Planning Act.

Mr Stockwell: Good answer. I listened very carefully to your deputation and I fundamentally disagree with some of the things you had to say. I also say that I think you're incorrect, although I don't think you intentionally were incorrect, in some of the comments you made. But there's one specific point I'd like to address, and that is the value. Being a real estate lawyer, you know full well that the only real true test to determine value is when somebody asks what a willing buyer will pay. I would submit to you that if you put these on the open market on a 99-year lease basis—and you talk about postage stamps lots; true enough, but they've got the biggest backyard in Canada—if you put these out as a public tender to find out what they would fetch, don't you believe they would fetch significantly more than \$36,000 and \$46,000 for 99 years?

Ms Yager: The reason it's hard to answer that question is that those figures only relate to the land, okay? I don't know about the land. It works out to about \$20 a square foot for Ward's when you figure it out. There are transactions, we all know this and we know some of the figures, but they also involve the transfer of the house.

Mr Stockwell: There are lots with just land involved, demolitions. I've checked quite a bit and I find that even with demolitions, where they're tearing the house down and it's costing them money, they're selling for significantly more.

Ms Yager: But you're also getting a complete free-hold title that you can turn around and transfer. You have to factor in the fact—

Mr Stockwell: Which is fair comment. Then the question must be asked, if we're really going to determine value, is, should we not at least go out and find what the market is willing to bear? If we're really going to call this a fair deal for the islanders, the taxpayers, Metro, the city and Queen's Park, isn't it reasonable to suggest as a taxpayer in Etobicoke, North York, North Toronto, please go out and find out what the fair market value is for a home on the island for 99 years? Is that too much to ask?

Ms Yager: I'll make two comments in reply to that. I think it's hard to figure out what the fair market value is because it's hard to think of a comparison, and appraisers always go on comparable properties.

Mr Stockwell: You've got vacant lots.

Ms Yager: But a vacant house with a right never to sell it, transfer it to make money on it?

Mr Stockwell: Yes, go offer that.

Ms Yager: Where would you find that?

Mr Stockwell: Well, go offer it. I'm willing to find out. I'll tell you it's going to be a hell of a lot more than \$36,000.

Ms Yager: Okay, the second point, which I think is more important, is that you've got to look at the objective of the legislation. I don't think the objective is to make money for Metro, the city or the province. The objective is to preserve a community in a balanced way that can satisfy the three principal actors, the city, Metro and the islanders. I understand Metro is fairly happy with this.

Mr Stockwell: Well, not the ones I talked to.

Interjection.

Mr Stockwell: Well, who are you talking to?

Ms Yager: The city wants more money and the islanders say yes, so you've got two out of three almost saying yes.

Mr Stockwell: If you're going to go ahead and do it that way, then all I suggest is then call it what it is, a sweetheart deal, if you're not prepared to go out and find what the value is.

The Chair: Order.

Ms Yager: Thank you.

The Chair: No, you're still here.

Ms Yager: Oh, I thought we had only two minutes.

The Chair: Two minutes for each party, and that's your trick, Ms Swarbrick, Mr Marchese and Mrs Harrington.

1630

Ms Swarbrick: I'll try to be very quick. Leslie, I think your presentation was terrific and I think it was especially helpful given that your party hasn't been taking those positions. So I hope you'll keep working on them.

Actually, I was very pleased to hear your comment about mixed community. I was going to ask that; I'm glad you answered it. My question to you is with regard to your quick answer about the issue of the Planning Act. I just wanted to ask you, had you really thought through or been involved in knowing why it is that we exempted it from the plan?

Ms Yager: No, I don't know anything about it.

Ms Swarbrick: The main rationale being trying to avoid the same kind of drawn-out problems that have been examined over the last number of years being re-examined all over again and allowing the ability to get on with it while knowing there's a built-in protection in terms of the constitution of the land trust board and the fact that the minister does have full zoning control and the ministry to look at all those issues. I'm wondering whether that might change your position somewhat, knowing the kind of rationale for the exception.

Ms Yager: I didn't give an informed answer. I believe in planning controls and community participation, the way a community looks, which is why I said yes. That's the basic concept behind the Planning Act, community guidelines, set by whatever, usually by your city, your municipality. They usually relate to things like how tall it is, how wide it is, whatever.

Ms Swarbrick: So it's your sense that the controls we have built in may in fact constitute sufficient controls.

Ms Yager: But I haven't looked into this. It's an uninformed answer.

Mr Stockwell: But it's a good one.

The Chair: Thank you, Ms Yager, for appearing before us today.

TORONTO ISLAND SCHOOL PARENT-TEACHER ASSOCIATION

The Chair: The final presentation for this afternoon is from the Toronto Island School Parent-Teacher Association: Charlotte Wheeler, John Campey, Pam Mazza.

Interjections.

The Chair: A little order.

Mrs Pam Mazza: John Campey, the school trustee for our ward, is supposed to be here. I suspect he'll show up in a moment, so we'll start.

The Chair: If you would like to introduce yourselves for the purposes of Hansard, you may begin.

Mrs Charlotte Wheeler: I'm Charlotte Wheeler. I'm a city parent with two children on the island.

Mrs Mazza: I'm Pam Mazza. I've lived on the island for 20 years and I'm a member of the island PTA and SOS (Save Our School) Coalition.

The Chair: And here's John Campey, I neglected to inform you, you have one half-hour for your presentation.

Mr John Campey: I'm John Campey, the trustee for the Downtown ward in the Toronto Board of Education. I'm somewhat out of breath because I was just guest of honour at a birthday celebration. I was surprised with a cake.

Ms Swarbrick: Happy birthday.

Mr Turnbull: Does this get into Hansard?

Interjections.

Mr Campey: Anne is the younger one.

Thank you very much for providing us with the opportunity to be here today. I've got copies of my presentation coming over in about three minutes, so I'll be able to distribute them.

For over 100 years the Toronto Island school has provided educational opportunities for Toronto residents. Initially a regular day school for island residents, the mandate of the school has shifted over the past 30 years to reflect changes in both the population of the Toronto Islands and the demands placed on our education system.

Today, the Island Public/Natural Science school provides a regular day school program to 170 students, divided roughly equally between island residents and residents from the waterfront community. In addition, the school offers a week-long residential natural science program for every grade 5 and grade 6 student attending Toronto public schools.

In the 30 years since this program was initiated, over 82,000 students have had the opportunity to spend a week living on the island and taking part in a wide range of natural-science-related activities. Many of our students remember this as one of the highlights of their public school career. This innovative program has been copied by many other boards of education. For example, every other board in Toronto now has a natural science school which provides a residential experience for their students.

The island school remains unique, however, in two aspects. The first of these is its location. The island school is able to offer a wilderness experience in the very shadow of the office towers of downtown Toronto. The convenience of this location offers a significant degree of comfort to parents who, many for the first time, are having their children go away on their own.

The second is the unique combination of regular day school and the natural science school. This combination allows children from all across Toronto to see wilderness not just as a curiosity or something which is somehow divorced from their everyday lives, but as something that is integrated into a real community that is part of the everyday lives of other children.

The other important aspect of the combination of day school and natural science school is the fact that, unlike other natural science schools, the island school has an active and supportive parent and community organization which provides invaluable support for both programs. Students from across Toronto have benefited from the active involvement of the island school parent organization in the operation of the school.

Since my election as a trustee just over a year ago, I've been overwhelmed by the phenomenal support which the island school parent-teacher association has provided for the school. It is one of the most active parent organizations in the ward I represent and, through events such as its annual dream auction, raises thousands of dollars to support the school's activities and programs.

Over the past year, I've had the opportunity and responsibility of working closely with the island PTA as we have fought to secure the future of this school. Our ultimate success in this process is largely due to the tenacity and

hard work of the island school parents.

Having persuaded Metro council to provide the board of education with the long-term lease required to enable the board to rebuild the school on its current site, we're now very excited by the opportunity we have to expand on the existing program and vision of the school. There are discussions about building a school that will be as environmentally friendly as current technology will allow that will showcase that technology as an integral part of students' educational experience. We're beginning to explore the opportunities to integrate the activities of the park with the program of the school and vice versa, for just as our concepts of education have changed, so have our perspectives around the use and role of parkland.

Thirty years ago, the decline in enrolment at the island school caused by the demolition of most of the island community afforded the Toronto board the opportunity to embark on its innovative natural science program. It is our hope that the passage of the legislation before you will contribute to a similar renewal of the mandate of the Island Public/Natural Science school, taking advantage of the assets of location, commitment, history and strong local community involvement that have made the existing school such an important part of the educational experience of all Toronto children. Thanks.

Mrs Wheeler: My name is Charlotte Wheeler and I am the co-chair of the Toronto Island public school home and school association. I've been asked to provide you with a city parent's perspective on what it's like to have children at this school in the community.

I have two children, three and eight years old, and they both travel to the island Monday to Friday. Our family resides in the St Lawrence neighbourhood in downtown Toronto. For those of you who don't know the area, it's a relatively young neighbourhood. It's only about 12 years old, and we've been down there since the first housing came in.

My husband and I had known about the housing on the island for some time, but we only became aware of the school and the child care centre when we were looking for a preschool for our oldest daughter five years ago. A friend had told us about the day care and the school so we decided to arrange a visit. We had a very warm welcome not only from the child care staff but from the principal of the school. He took time from his schedule to take us on a tour. It really impressed us that a principal would take the time to do that.

What made us ultimately decide to use the child care is something that John referred to. Our children live in a very concrete environment, for those of you who know downtown Toronto. It was really nice to think that Monday to Friday they would be able to benefit from being in a more rural setting and also that they would be with children who have a different kind of lifestyle than our children really do. When we hit junior kindergarten, we had no question that we would leave our daughter in the school.

I think, when I look back, that neither one of us realized the commitment we would have to make to have our daughter attend the school. We are not in an area that gets busing, so every day we have to drop our children at the boat and have to pick our children up from the boat. Our working life has become tied to the ferry schedule. My husband is racing right now to get the 4:30 ferry. I hope he's there.

Activities at the school for parents like me revolve around finding a place to park your car, catching the ferry and getting back on the ferry to take your children back home. I think that, for myself, it's given me an appreciation of what people who live on the island have to deal with on a daily basis. It's certainly not a convenient way of life, believe me.

Over the time that our children have attended the school and the child care, there have been a number of changes in the population, and as the Harbourfront area has grown, there have been more and more children attending the island public school. I thought it was about 60% city and 40% island but—for many of the city children attending the school, just to let you know, the island school is their neighbourhood school. There is no other school in the Harbourfront area at this point, so they go over to the island because it is the closest school.

1640

For ourselves, we are able to benefit from the island public school because of the alternate attendant policy that the Toronto board has. There is a school closer to us, but the island actually is our next closest school, and when we compared the two schools, we chose the island because we felt it would offer our children a much better educational experience.

Also, as the city population has increased at the school, I have sensed a willingness on the part of the school to respond to that. This year, within the home and school executive, we changed our constitution so that the makeup is now comprised of three city parents and three island parents to reflect the nature of the school. I think I've sensed a willingness on the part of the island parents to allow those kinds of changes to happen and to accept us more into the school community.

Just to end, I know that my family has benefited from the contact with the children on the island and with the other families on the island and I understand from island parents I've gotten to know that their children have benefited from the contact with city children. They say that there's much less isolation now. The children travel back and forth more freely and get to know each other better. I would hope that the island community will remain and the connection between the city and the island communities will continue to grow. Thank you.

Mrs Mazza: Good afternoon. My name is Pam Mazza and I, along with many other parents from both the city and the island community, personnel from the Toronto Board of Education and our Metro representatives, have been working for the past five years to ensure the continuation of the Island Public/Natural Science school. For the past year I've been the chair of the SOS, which stands for Save Our School, Coalition. Had the school issue not been linked to the Toronto Islands community issue, I don't think the Toronto Board of Education would have had nearly the difficulties that it had to get the long-term lease it required.

Today I'd like to reflect on my perspective of the island school in the context of the community, Toronto and the world as a whole as I look back on those five years.

The location of the school seems odd now without understanding the history of the island. Once in the centre of the community, it is now about one and a half kilometres from the Ward's Island end, but this does not mean that there is not a great deal of attachment to it, as many community members attended there when they were children, my husband included.

When the Toronto Board of Education recommended replacing it, it launched a community process that dealt with a number of issues. Should it be moved closer to the existing houses? Should it stay? Should it be renovated? Should it be replaced? How big should it be? As a result, small block meetings were held and meetings were held in the city so that city parents could have input. Larger, consensus-seeking meetings were held, committees were struck and dissolved as the process warranted.

Gradually, decisions were made answering these questions, and during this time there was always cooperation and openness with the Toronto Board of Education and the city parents. By the time we had to face the politicians at Metro council last November, we had become a united and cohesive front and our belief in the value of the school had broadened beyond wanting it to stay just for our own kids. We had begun to realize the value of the school for the variety of the programs offered to both city and island children, its increasingly important role in the growing environmental awareness that the world has been experiencing these last few years and as a valuable resource to the park itself.

There's no doubt that the importance of the natural science program has become greater than ever. With the countryside becoming ever more remote, the week that the city children spend over here exposes them to a park they may otherwise never visit and gives them an opportunity to become aware of plant and wildlife they may otherwise never notice. Of course, there is the role the school plays in environmental awareness. As well as making this a part of the curriculum, the school has become a provincial centre for teacher training in the field of environmental science. It also contributes to research programs in the natural sciences in Ontario and North America.

The island community has always been very active in its school. We have a healthy and thriving parent-teacher association. The amount of parent input into the school on a daily volunteer basis is tremendous. After-four programs—these are small classes held for kids after school; they may

do ceramics or story writing—and after-school day care have been regularly run out of community members' houses over the years. Children visiting the natural science school study the community as part of their curriculum. They share in an old-fashioned style of Hallowe'en, when they trick or treat on Hallowe'en night. They come around in the community.

The school fund-raisers consistently get full community support, both from the city and from the island, notably at the annual dream auction. The tenacity which we have exhibited over the past few years in fighting to save our school is testimony to our feelings about it.

As the harbour area neighbourhoods have matured and coalesced, the city parents have become increasingly involved in the school and the island community. For many of them this is their district school. They've become equally active in the PTA, the SOS Coalition, as volunteers and workers in the school. In the process many of us have become friends and our children have become friends.

One increasingly important aspect of the school in relation to the park, and the same could be said of the community, is the growing concern about safety. Only last summer there were some riots that erupted near Centre Island. In what would be an otherwise desolate area of the park, the school now provides a 24-hour-a-day presence five days a week.

Richard Johnston talked about underutilization of the park, and this brings me to my final comments. This is my vision of what the school could become. Buried inside the ramshackle structure is the original 1909 two-room schoolhouse. There's a lot of island history and memorabilia getting dusty under islanders' beds. It would be a wonderful opportunity to restore this old schoolhouse and turn it into an island archives and museum.

It could include a field house for the natural science school, highlighting the resources and geography of the park. The lighthouse, itself an ignored but wonderful part of Toronto history, could become a feature. Weekend walks into the bird sanctuary could be organized. The school, because of its residential component, could be used for retreats or conferences or possibly a future earth summit on a smaller scale.

When Metro council voted last November to renew the school's lease for 49 years, thereby saving our school, during the discussions there was a change of attitude that I felt was significant. The old intransigence among the majority of the Metro councillors towards the island community was gone. There was definite talk that it was time to move on. There have been big changes in the world in five years, let alone in the 20 years that the islanders have fought for the community and the school they so strongly believe in. The possibilities are endless for this 650 acres of land. It is time to move on.

The Chair: Thank you. There is some time for some questions. Over to the government side.

Mr Marchese: Actually, only one question. You didn't talk about the state of the repairs that the school was in, and you might want to mention that. What condition was it in?

Mr Campey: The existing school is ranked 600th, it's ranked at the very bottom of the list in terms of the state of repair of public and separate schools in the municipality of Metropolitan Toronto. So it is the school in the worst state of repair in all of Metro and we in fact have now, through the Metro Toronto board, the capital allocation in the bank for two or three years to totally rebuild the school. The funding is there for the new school to be built.

Ms Swarbrick: I'll just say thank you. I think your presentation was excellent, especially in terms of pointing out the value to the rest of the city of having the natural science school there. I think it sounds marvellous. I'll look forward to visiting some time.

Mr Mammoliti: There has been some argument in terms of the 60% of the students who live off the island and who come on to the island to go to school. In terms of that 60%, the argument has been that the school should have been placed perhaps off the island and perhaps on the shore here in Toronto somewhere on this side.

In terms of the nature and in terms of what the children can learn about trees and the wilderness and all of that stuff, are there any other reasons why the school should be placed on the island as opposed to off the island?

Mr Campey: I think you're raising two issues there. One is in terms of the current situation, and the fact there is that the Toronto Board of Education is short 350 classrooms across the city, so we will take classrooms wherever we can get them. If we could find boats in the harbour that had classrooms, we'd put them on there as well.

In terms of construction of the new school, in fact by combining the natural science school and the regular school we're able both to serve the island community, because we would have to provide transit for an equivalent number of students either way, and to make significant capital and operating savings. To build a standalone natural science school and then build another school to serve the island and Harbourfront communities on the mainland would be more expensive than in fact combining the two.

I believe our board estimates were that there was a saving by combining the two schools of, I think, \$150,000 in operating costs and—was it over \$1 million in terms of capital? So in fact it effects a significant financial savings for the board of education in terms of having the two schools combined, as well as the program benefits of having a local school community that has a sense of ownership around the natural science school program and the school itself. We do have a standalone natural science facility for older students in Boyne River, near Orangeville, and it sort of is just there. Nobody particularly cares about it, so there's not the kind of support for program that we have at the island school.

1650

Mr Mammoliti: Are the kids learning about the history of the island as well?

Mrs Wheeler: Yes, I think that's one of the things that, being a city parent, my children and I—I didn't know anything about the island when my children started, or, as Pam was mentioning, the lighthouse, which is really an historic property. They'll come home and tell you the stories about

the War of 1812 and things like that. They've learned an awful lot and they've learned a lot about the community. They really know the history of the community and what's happened with the community. That's true for the city children as well as for the island children.

Mr Eddy: Thank you for your presentation. Mr Campey, you said there's money to replace the school. In other words, are there plans to replace the island school and will it be as large as the one that's there, in other words, that's fully utilized?

The other question, if I can throw it in at the same time—I wondered how you decide which mainland children have the opportunity to attend that school. Is there an area of Harbourfront, a total square that they have the choice whether to go or not? How is it decided? I understand some areas nearby can go and others can't. I don't understand how you do that.

Mr Campey: To answer your first question, the school is going to be rebuilt right next to the existing school to serve the same number of students.

In terms of who is eligible to go, there is a district which serves the island school, which includes a significant part of the waterfront community, as well as the island, and students in that area can attend as of right. If in fact there is additional space in the school, any student from across the city of Toronto can attend. At this point it is, I believe, the case that any elementary school student in the city of Toronto who wished to attend the island school would be able to do so. They'd need to make their own transportation arrangements.

Mr Eddy: But they have the opportunity to go or not to go?

Mr Stockwell: Can I ask about Rosethorn?

The Chair: You certainly can ask, Mr Stockwell.

Mr Stockwell: Just curious. I don't think he'd know though.

Ms Swarbrick: Just on the last question or two, I know Mr Rosart in the audience was shaking his head there. Mr Rosart is one of the residents on the mainland who points out that a number of the children from the mainland side end up having to be sent to other schools further away, to a number of different schools, because there's not room for all of them on the island school.

I'm just wondering if you've got any comments with regard to that, John, especially given that you were mentioning that if there were room, then other children from across the city would be able to go. It sounds as though there's not room. Is that—

Mr Campey: No, my understanding is that, at this point, any child who wishes to go to the island school, whose parents are public school supporters in the city of Toronto, can attend. People in the Harbourfront community at this point have a wide range of schools to which they can send their children and in fact do. I think there are 20 or 30 schools where students from the Harbourfront currently attend, until we're able to get a school built in that Harbourfront community to meet the local need.

Ms Swarbrick: So it's a matter of choice, you're saying.

Mr Campey: Yes.

Ms Swarbrick: One of the reasons, though, that you want to maintain a body on the island was that it was cheaper to rebuild it there as well.

Mr Campey: That's correct.

Mrs Mazza: The board made it very clear that it valued the natural science school very much but it did not have the capital funds to build two separate facilities. That's why the two together are a necessity.

Mrs Wheeler: Just around alternate attendance, my two children are on alternate attendance—well, my older one is; my little one's not in school yet. But I have known parents in my neighbourhood, the St Lawrence neighbourhood, who have been refused a spot in the school because there wasn't room in that particular grade. You go and you put your name forward and it's the luck of the draw, and you hope you get your child in. But if another child comes forward at the same time from the catchment area, then your child won't be accepted.

Mr Stockwell: Finally, there are more students coming from the mainland though.

Mr Campey: At this point I think it's a slight majority. I'm not sure of the exact percentage.

Mr Stockwell: Slight? I heard it was more than slight.

Mr Campey: We're talking 50-50 or 60-40, but you're talking about 170 students, so you're talking about 10 students.

Mr Stockwell: It's like 100 to 70, as I understood it, and the growth that they were expecting was more students would be coming from the mainland as opposed to the island.

Mrs Mazza: Actually, when the housing stock is built, it will probably be the reverse. There will probably be more children from the island who will attend than—

Mr Stockwell: You see, that's surprising, because I thought if they built a school at Harbourfront, the catchment area in that specific area would produce significantly more students for the school than the 70 or so who would go to it on the island. Is that not correct?

Mr Campey: That's correct. But again, with the development that's taken place in the Harbourfront community, we already have enough students.

Mr Stockwell: Rosario knows. Hold on, I'll listen to him.

Mr Campey: We already have enough students in the Harbourfront area to require a new school as well.

Mr Stockwell: So you need two new schools.

Mr Campey: Yes.

Mr Stockwell: You need an island school and a Harbourfront school.

Mr Campey: That's correct.

Mr Stockwell: The school up the street from me, I need that opened, and you do such a darned good job, I should put you on that case next.

The Chair: Are there further questions? No? Thank you very much for taking the time to come, and happy birthday.

I would just remind the committee that the committee hearings commence tomorrow morning at 9:30.

Mr Stockwell: Can we have a subcommittee meeting?

The Chair: At 2 o'clock you wish a subcommittee meeting? I don't think we need one, unless you have a problem. Would you like one?

Interjections.

The Chair: See you tomorrow, 9:30. The committee adjourned at 1657.



Substitutions present / Membres remplaçants présents:

Eddy, Ron (Brant-Haldimand L) for Ms Poole Grandmaître, Bernard (Ottawa East/-Est L) for Mr McClelland Mills, Gordon (Durham East/-Est ND) for Mr Hope Morrow, Mark (Wentworth East/-Est ND) for Mr Fletcher Stockwell, Chris (Etobicoke West/-Ouest PC) for Mr Murdoch Swarbrick, Anne (Scarborough West/-Ouest ND) for Mr Ferguson Turnbull, David (York Mills PC) for Mr Arnott

Clerk pro tem / Greffière par intérim: Grannum, Tonia

Staff / Personnel:

Luski, Lorraine, research officer, Legislative Research Service Swift, Susan, research officer, Legislative Research Service

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- *In attendance / présents





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Legislative Assembly of Ontario

Second Intersession, 35th Parliament

Official Report of Debates (Hansard)

Thursday 28 January 1993

Standing committee on general government

Toronto Islands Residential Community Stewardship Act, 1993

Assemblée législative de l'Ontario

Deuxième intersession, 35e législature

Journal des débats (Hansard)

Jeudi 28 janvier 1993

Comité permanent des affaires gouvernementales

Loi de 1993 sur l'administration de la zone résidentielle des îles de Toronto

Chair: Michael A. Brown Clerk: Franco Carrozza Président : Michael A. Brown Greffier : Franco Carrozza



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday 28 January 1993

The committee met at 0945 in committee room 2.

TORONTO ISLANDS RESIDENTIAL COMMUNITY STEWARDSHIP ACT, 1993

LOI DE 1993 SUR L'ADMINISTRATION DE LA ZONE RÉSIDENTIELLE DES ÎLES DE TORONTO

Consideration of Bill 61, An Act respecting Algonquin and Ward's Islands and respecting the Stewardship of the Residential Community on the Toronto Islands / Loi concernant les îles Algonquin et Ward's et concernant l'administration de la zone résidentielle des îles de Toronto.

The Chair (Mr Mike Brown): The standing committee on general government will come to order. Before I start, I'll remind members again that the committee would like copies of proposed amendments as soon as possible this morning, seeing as we're hoping to get to the clause-by-clause this afternoon.

Mr Gordon Mills (Durham East): We're working on it now. We have a last-minute thing that we're working on right at the back there, and we'll get into it right away.

LANTANA NON-PROFIT HOMES

The Chair: The first presentation this morning will be Lantana Non-Profit Homes, Mr Christopher Wilson. Just have a chair there, sir. The committee has allocated one half-hour for your presentation. We always appreciate it if you reserve some of that time so that the members may have a conversation with you about your presentation.

Mr Christopher Wilson: Okay. I don't think I'll need nearly that much time. My name is Chris Wilson. I work for Lantana Non-Profit Homes, and I'm a consultant to the Toronto Island community, to both the residents association and the new housing cooperative.

There are a couple of issues I would like to address today that I think are really of paramount concern. The first thing I want to talk about has to do with the qualifying age for the seniors' discount. As you know, in the legislation as it's laid out, the age is set at 65. We understand quite clearly the reasons for this. I know there have been concerns in the past about human rights legislation. But we strongly feel that an age of 60 would be much more appropriate.

You have to understand that the seniors' discount captures a fairly narrow band of the island population. It allows a slightly larger group of people who otherwise wouldn't qualify for a mortgage to receive a discount, a slight benefit, which then bumps them into the category that will qualify. That need is obviously not restricted to people who are 65 years of age and older.

We would like to see something that comes closer to paralleling the precedent that already exists in the housing field. The clearest precedent is in the area of non-profit housing. In the Ministry of Housing's non-profit programs, for many years now the age of 60 has been the qualifying age for being designated as a senior, both for the purpose of seniors' admission to seniors' housing and for rent-geared-to-income assistance.

I think you can see that there's a fairly clear parallel between a senior who is applying for this discount on the basis of financial need and a senior who is looking for non-profit housing or rent-geared-to-income assistance on the basis of need. At any rate, the age that's recognized in the housing programs under successive governments, including the current government, is 60 years of age, and that age is used and followed by local housing authorities and most non-profit providers. There are some instances of lower ages being used, but 60 is pretty much the common denominator.

One way I would suggest of handling this in the legislation is that it may in fact be unnecessary to designate an age in the legislation. It may simply be possible to enable the government to set a qualifying age and handle that by regulation. That allows for some flexibility in the future if there are clear decisions made on the basis of human rights. But it allows us, currently, to follow the precedent and to parallel the practice elsewhere in the government.

The other issue that I want to address is the issue of representation on the land trust board. I know you've heard about this already. I hope that what I will say may amplify this issue a little bit and not be redundant. Obviously, in establishing the land trust board there are a number of key concerns. There's the overall objective that's inherent in this legislation of preserving a long-term residential community on the island and balancing that with the need for public access and a variety of other uses and of course the preservation of the natural environment of the islands.

Our concern with the legislation in its present state is that the legislation does not provide for a majority island representation on the board. Instead, it leaves that issue to the regulations, and in the regulations it says that there will be 15 members, two thirds of whom will be islanders.

The concern we have is for the long-term. In the long-term there's a need to balance what I would call the public interest with the community interest. There are obviously a lot of interests that are at stake in the island, but probably none as great as, on the one hand, the interest of the general public for access to the island and preservation of it in the public trust, as it were, and on the other hand, the needs of the island community for a stable community and a community that they really feel a part of and that they have influence over.

We would suggest that a better balancing of public interests would be achieved by allowing in the legislation for a clear majority of the trust board to be islanders. The public interest is very firmly protected. The members of the trust board are appointed by the government. They can be removed by the government. If there is any suggestion of wrongdoing, policies or practices that the government is unhappy with, certainly changes can be made to the board. But the concern is that if there isn't some provision in the legislation, in the long-term a future government could set up the board of the trust on a very different basis that would, say, be primarily off-island representation, people who are not particularly concerned about the needs of the residential community. The needs and interests of a residential community could really be undermined over time.

Clearly, we don't think that's something that's on anybody's agenda, but it remains a possibility. What we're looking for here is checks and balances, in a way. If there is a majority of island representation, then the islanders have some assurance of a continued voice in the operation of the land trust. On the other hand, the government and the public's interest is protected by the power to appoint and remove, which can be used quite freely.

There's another issue here, which is that land trusts have been set up as a kind of unique vehicle for balancing different uses of land. That's one of their enormous strengths. They've been used elsewhere to, for instance, balance residential development with agricultural use, with a recreational use in a broad stretch of land while keeping the land overall in the public trust. As set up, there's no assurance of a representation of the balance of interests. The great strength of land trusts is that they have been community controlled. The various interest that have been involved have been represented within the trust and there's been kind of a check and balance between those interests being represented and the overall community interests.

The community sets the general ground rules, the covenant, as it were, about how the land is going to be used; for instance, that it will stay in the public trust and that the environment will be protected, or whatever else the community decides, with the various interests, whether they're residential or park users, in this case, or people who are concerned about preserving natural habitats, with those users being represented and being able to be sure that their concerns are heard and their interests are met. We think that it would be a much stronger way to set this up to ensure that some of those interests are represented.

It seems clear that the islanders are the ones who have the most stake in this situation, in the island community. The focus of this has been the preservation of a residential community. The actions of the trust will impact most profoundly on the people who are living there.

Another issue has to do with democratic representation. The trust is being granted many of the powers of a small municipality. It's going to be able to raise levies. It's going to have a certain amount of control over planning. It's going to be able to make a lot of decisions that will greatly affect the day-to-day life of islanders.

In a normal municipal setting, we allow people representation and a control over those processes. I think there's a strong argument to be made for that on the islands as well. Islanders should be able to have some long-term assurance of representation on the trust that's making decisions for

them which are on the same level as decisions made by many municipal governments.

There's also the question of protecting the long-term stability of the community. I do a lot of work with housing cooperatives. The great strength of housing cooperatives has been that the residents of housing cooperatives feel they have a measure of control over their community. They have a stake. They buy in. They feel a sense of ownership. A land trust is something like a housing cooperative. People don't actually own the land, but in this case, they have some limited equity in the homes, and of course there will be a housing cooperative as well.

The point is that it's very important for the people's sense of commitment to the community that they have a feeling of representation and a measure of control, obviously not complete control, in this case that wouldn't be desirable, but a strong measure of control. I would argue strongly that just as in co-ops, it makes a big difference, people feeling that they have a voice in things, and in a land trust even more so. It's very important for the various interests that are involved to feel they have a voice and a real stake. I would say that the island residents clearly are the ones who have a very great stake.

I'd suggest to you that it would be very beneficial to the long-term stability and cohesiveness, particularly because what I think none of us wants to see is a situation where you have the land trust board going in one direction and an island community going in a completely different direction, that we have a re-emergence of the kind of endless skirmishing we've seen over the years, unfortunately, between the island community and municipal governments.

I think we're all looking for a solution that will avoid that and lead to long-term peace and stability on the islands. My gosh, it sounds like we're talking about the Balkans, but I think you know what I mean. We want to get out of a situation of cold war or hot war. I think we want a situation of partnership. What we're looking at here is a real partnership between the larger community and the island community, between the public and the government and the local residents.

I think the great strength of this whole land trust concept is that it finds quite an imaginative and creative way of doing that, where the public is protected because the land stays in the public trust—the government retains the overall control—but the residents buy in. They feel they have long-term stability and, I would argue, if there's clear guarantee of representation, they feel they're going to be heard. That's a recipe for continued partnership, and I would urge you to enshrine that in the legislation so that the partnership can't be unravelled and it continues, and the ultimate goal of the legislation, which is a long-term, stable community, is assured.

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Mr Bernard Grandmaître (Ottawa East): Mr Wilson is not the first person to bring to our attention the importance of this partnership in the land trust board. When the parliamentary assistant gets back, I'd like to ask him a question or two, but for the time being—

The Chair: Right now, you should be conversing through me to the presenter.

Mr Grandmaître: Very good. Mr Wilson, I can understand your concern about the balance and the membership or the appointees to this board, even if the government will have, let's say, the last say as to who gets appointed and for how long. I'll get back to this. Will this board become an agency? That's my question for later on, Mr Chair. I'm not addressing this.

The Chair: I'm certain the parliamentary assistant will take note of that.

Mr Grandmaître: I agree with you that it's very, very important, because you're absolutely right when you say you want to become responsible people in the planning, in the future of those islands. Planning is so important. Planning is your future. Yet those islands—you want to be part of the future development—will be exempt from the Planning Act. I've been repeating myself for the last three days—

Mr Chris Stockwell (Etobicoke West): No, you haven't.

Mr Grandmaître: Thanks, Chris. Again, I think it is a very serious mistake on the part of the minister to exclude the islands. You're not the first one. Everybody is saying, "We want to be part of the future of those islands; we want to be part of the planning," but you're excluded under the Planning Act, and there is nothing in all of the briefs that I've seen that really protects you, protects the islanders. I'm very concerned, because I haven't received a satisfying answer from the parliamentary assistant or the minister or the ministry about why the islands have been excluded from the Planning Act. You're absolutely right. I think you should push the minister or the ministry that the islands should be under the Planning Act, because you want to play a very important role in the future of the islands.

Mr Chair, I did ask: Will this land trust board become an agency? Will they be appointed by cabinet? For how long? Is it a three-year term? All of these questions remain

As far as the qualifying age for seniors is concerned, I've read Mr Johnston's report, and I'm asking a fair question: Is it Mr Johnston's recommendation that to qualify as a senior you must be 65? Where does this 65 come from?

Mr Christopher Wilson: I'm afraid I can't speak to the actual wording of the Johnston report because I don't remember what that report said. But the way it's been presented to us by the minister's office, I believe 65 was put forward because there was a concern over consistency, particularly because of the challenges that have been made under the charter. There was concern for consistency in age. Essentially what we're arguing is that there is actually a better precedent for the age in the housing field being 60 than 65.

Mr Grandmaître: You're right. I don't know why we should change this precedent. What are your thoughts on being excluded from the Planning Act?

Mr Christopher Wilson: I have to say, first of all, that this isn't really my area of expertise; this isn't the side

of things I've been particularly involved in. It is obviously important that the island community have a strong voice in the planning of its local community and that the trust be vested with the authority to make planning decisions. If you were going to include it under the Planning Act, presumably you would have to ensure that the trust has the resources available to it that are available to municipalities to have planners to develop planning tools. As we're looking at the trust now, it's a much more minimal affair, which will certainly be able to carry on the day-to-day operations but wouldn't have the resources to engage in developing sophisticated things like an official plan. I'm not really expressing an opinion on that except to say that it is certainly critical that the trust have that kind of authority.

Mr Grandmaître: Tools to work with.

Mr Christopher Wilson: Yes, because that's the nature of land trusts. Land trusts establish rules; they establish a kind of covenant that all the users, who are viewed as the stewards—I'm sure you've heard lots about this lately—have to abide by. So you need to ensure that the community has the ability to make those ground rules, to establish what the covenant in effect is.

Mr Stockwell: In your typical land trust—and maybe you can tell me about this land trust as well—where does the jurisdiction begin and end from a real estate point of view? Where does the land trust jurisdiction begin and end?

Mr Christopher Wilson: Of course, this is not a typical land trust.

Mr Stockwell: No, it's not. That's why I asked the question.

Mr Christopher Wilson: In a typical land trust, the land is in effect placed in a trust, which is a legal entity, and that legal entity is bound by a charter which sets out certain things, as I said, a kind of covenant that establishes the purposes for which the land is going to be used and how the trust is going to be regulated. It's both a vision, let's say, and a constitution.

Mr Stockwell: I understand all that. I'm asking about this specifically. Where do you see it beginning and ending? How much land are they going to be entrusted with?

Mr Christopher Wilson: I think the legislation is pretty specific on that point.

Mr Stockwell: It's 29 acres. Mr Christopher Wilson: Yes.

Mr Stockwell: Then you've got to find a site for the co-op.

Mr Christopher Wilson: That's right.

Mr Stockwell: How much land would then be needed for that site? Then would the land trust be able to build another co-op? If they thought it was a nice idea and they had two beautiful co-ops and 250 homes, and they found a nice piece of property, could they build a co-op there?

Mr Christopher Wilson: First of all, I think the legislation sets a clear limit to the amount of co-op housing that would be built, which is 80 units, with possibly more units being transferred from existing homes but without any new construction. If your concern is about the islands

being overdeveloped, believe me, I've now attended a whole series of planning sessions among the island community, and there's no danger of the islands being overdeveloped.

Mr Stockwell: Frankly, I think 250 homes is overdeveloped, but that's beside the point.

Mr Christopher Wilson: Just to address your concern about more units being developed, I think the strong sentiment on the island is to see what's in the legislation as an absolute maximum. In fact, people would like to have less, because they'd like to see a good balance between residential housing, parkland and the preservation of natural habitats. I would say there has been much more emphasis placed on the preservation of habitats or parkland, for instance, than there has been on housing. Housing has had to fight its way in, so I don't think you need to be too concerned about that.

Mr Stockwell: I'm sure in 1956 they said: "Don't worry about getting rid of these homes. We'll have parkland in no time." Call me a cynic.

Mr Christopher Wilson: I sense your concern really has to do with the existing island homes.

Mr Stockwell: I just don't know what the next government decides.

Mr Grandmaître: We'll tell you in two years.

Mr Stockwell: The next government is saying: "Gee, there's 660 or 700 acres of property over here. Why shouldn't we build some more housing?" There's a lot of argument: "There's a lot of public open space here. Why shouldn't we build some more housing?" The arguments Mr Marchese makes are the same arguments you could make tomorrow about why we should build another co-op: "Nobody's using the park. It's vacant etc. We could bang up two or three more co-ops in the land trust."

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Mr Rosario Marchese (Fort York): Oh, Chris, come on.

Mr Stockwell: Mr Marchese says, "Come on." I think if you had gone to the island three years ago and said to these people, "In three years, they're going to recommend building a co-op on this island," they would have looked at you like you had two heads. When does it begin and end? I guess that's the question on these land trust issues. What's enough?

Mr Christopher Wilson: What I would say is that I think the legislation is obviously trying to establish a balance between a residential component, parkland and natural habitat. For the future, my guess is that the interests that are competing on the island will continue to compete. I think the desire for parkland and the preservation of parkland is going to remain a very powerful desire.

Mr Stockwell: You're opposing any more development, then.

Mr Christopher Wilson: I'm saying that in the future I think there will be a very natural constraint on any future development, probably coming from, first and foremost, the island community.

Mr Stockwell: You're not prepared to say categorically today that you're opposed to any more development than what's in place.

Mr Christopher Wilson: Mr Stockwell, what I think is not very important, frankly. It's what the islanders think, what the government thinks, what the broad community of Toronto thinks that's important.

Mr Stockwell: Well, the broad community of Toronto may well think there shouldn't be any development on that land.

Mr George Mammoliti (Yorkview): I think if Mr Stockwell had his way, he'd grab a bulldozer and bulldoze all the homes and the people into Lake Ontario.

Mr Stockwell: Mr Chair, that is just unfair. It's not true. It's categorically untrue. I never said that.

Mr Marchese: Death by attrition is what he said.

The Chair: Order. Mr Mammoliti has the floor.

Mr Marchese: I'm not sure whether Mr Stockwell's had his coffee yet.

The Chair: If you addressed the Chair, it would be really helpful.

Mr Mammoliti: Chris, nice to see you again, by the way. Chris has given me some really excellent advice in the past in terms of conversion of public housing into a co-op system or a non-profit type of approach, which leads me into the question. I like this proposed legislation for two reasons: First, the residents are getting what they want, which is of the utmost importance to me and the government; second, I see this as a first step, a model of some sort for the future, as perhaps a step for government to learn from—if this works, of course—for things like conversion of public housing into a co-op or non-profit type of approach or a trust approach.

For that reason, I'm going to vote in favour of this piece of legislation, because I think the precedent this will set will be a good one. I think people like Mr Stockwell and some of the others, perhaps from the Liberal Party, would not agree with me. As a matter of fact, they'd say that the precedent we're setting is dangerous. I disagree. I think this is going to be a learning process for us and I think we will learn a lot in terms of where housing should go in the future. Would you agree with me on this?

Mr Christopher Wilson: Yes. I think you've actually raised a good issue: the question of precedent. I think the island land trust is a very positive precedent. It's a precedent for preserving land in the public trust in a way that guarantees a variety of uses, and I would hope also guarantees the community a measure of real control over it. I think you're right in identifying it as a possible model that can be used in other situations. For instance, if some conversion of public housing to cooperatives went through, you could see that there might be a model, in a larger complex, for the overall land being part of a land trust, with the individual co-ops being involved and the public parkland that's contained in it also being part of the trust.

In that situation, as, I would say, in the island situation, it's critically important that the community have a clear and guaranteed voice in things; otherwise, it becomes, in

effect, like one more government agency, like the harbour commission; I can't think of a more appropriate example at this point. For the community to feel it is truly involved in the control of the community, there has to be clear representation. So I think it is important, in this situation with the island trust, to set a precedent that establishes, "No, this isn't just an agency or a crown corporation or something; it is a partnership, where the local residents, the local users, are given a clear voice." That's what I think will lead to a trust that is really strong and enduring.

The Chair: Thank you, Mr Wilson. We appreciate you coming today.

Mr Christopher Wilson: You're welcome.

The Chair: Mr Grandmaître had posed a question to the parliamentary assistant. The parliamentary assistant has indicated to me that he's willing to respond—he's desperate to respond—at this moment.

Mr Mills: I'm not desperate. I heard the honourable member mention they'd be forming the government in the next two years, and I'd just like to—

The Chair: Now, now. Let's not tease the bears.

Mr Mills: No, I'm not, but I think the new logo is designed to capitalize on their popularity.

However, Mr Johnston, in his report, just referred to folks over there as seniors. He never put an age on it at all. Notwithstanding that, I think the committee can examine that and there's a possibility, I would think, of accepting a lesser age and after some discussion to define a senior differently than 65, because when we look at housing, we all recognize that 60 is the age and really this is a housing issue.

In so far as your question as to if this board is going to be an agency, it's not going to be an agency for a very simple reason: An agency is closely aligned to the government and it's the government's intention to be completely at arm's length on this trust and this organization. So that's the reason it will not be an agency.

Mr Stockwell: There is a question begging.

Mr Grandmaître: When you say it's different, tell me the difference between this trust, this board, and the OMB. They're at arm's length.

Mr Mills: Yes, I agree.

Mr Grandmaître: Why can't this board be at arm's length?

Mr Mills: That's the intention, to be at arm's length, and not as an agency. When you get an agency, notwithstanding your argument about the OMB, it does tend to be closer to the government, and the government intends to keep it at a distance and let those folks make the decisions.

Mr Grandmaître: But they're still appointed by cabinet on the OMB.

Mr Mills: Yes.

Mr Grandmaître: They come under the ABCs—agencies, boards and commissions.

Mr Mills: I think that's fair, yes.

The Chair: Mr Stockwell has a supplementary.

Mr Stockwell: Just quickly, how long do you think it'll take before you start paying them?

Mr Mills: I'll leave that up to you to suggest. There's nothing in the bill that would indicate that there's going to be any payment or fees or whatever.

In so far as Mr Stockwell's question about 250 and then we develop the whole island as a maximum of 110 units—

Mr Stockwell: Under this legislation.

The Chair: I think in the interests—just a supplementary?

Mr Grandmaître: Yes, because he went beyond what I asked about.

Mr Mills: I was encouraged.

The Chair: We do have presenters. I was hoping to clarify things.

Mr Grandmaître: Let's clarify this. Presently, under the Toronto official plan, is that the maximum?

Mr Mills: We don't know that.

Mr Grandmaître: The answer is no.

Mr Mills: I don't think I could say unequivocally no, because I don't know.

Mr Grandmaître: So you would need an official plan amendment.

Mr Stockwell: Unless you're exempted from the Planning Act.

Mr Grandmaître: How can you do this when you're exempt from the Planning Act? Thank you.

Mr Mills: We could pass legislation, that's for sure. **1020**

ALGONQUIN ISLAND ASSOCIATION

The Chair: The next presentation will be made by the Algonquin Island Association executive, if you'd come forward please, Joey Gladding, Leida Englar and Martin Earle.

Good morning. Welcome to the committee. You've been allocated one half-hour for your presentation. You may introduce yourselves for the purposes of our Hansard reporting and then you may commence your presentation.

Ms Leida Englar: I'm Leida Englar. I've lived on the island since 1974. I've been a member of the Algonquin Island Association since then and have been on the executive on and off three times over those years.

Mr Martin Earle: I'm Martin Earle, and I'm a long-time island resident on and off. I think this is my first year on the Algonquin Island Association executive.

Ms Joey Gladding: I'm Joey Gladding. I've lived on the island for 10 years and I've been a member of the Algonquin Island Association since moving there. I have been on the executive three times as well, and also as project coordinator of the rebuilding of the AIA after a fire in 1989.

Mr Earle: I'm going to start by basically explaining what the Algonquin Island Association is, and then we'll discuss it and give you some idea of what it means to the community, because it is a real focal point of the community, I think.

The Algonquin Island Association basically is a clubhouse which makes the association, and we're just affiliated with the clubhouse, I guess. It was built in the 1950s by a group of people, islanders basically, who—I'm not really sure how it all came about, but it was all volunteers and they would come out every Saturday during the summer and create this clubhouse which they could use subsequently, particularly during the winter. It was a winterized clubhouse so that in the winter people had somewhere to go, because there was another clubhouse but it wasn't winterized, so I guess that was the impetus behind it.

Anyway, it's a non-profit organization or centre and its equivalent in the city would be a community centre, except that it is run by an executive made up of people who live on the island, both Algonquin Island and Ward's Island, and it has no government funding and it's self-sufficient in that it raises its own funds and puts on its own shows, so to speak.

People from both Ward's and Algonquin Island use the clubhouse frequently, but it is also open to anybody who comes over to the island, who wants to visit the island. There are always events going on at the clubhouse, and it is a place for people to go and meet other people from the city, from the island, all mixing up. There's no exclusiveness to it. So it is run by an executive, and we're three of the people on the executive of 11 this year, which is a big number for us. We're all unpaid volunteers. The reason we do it, I guess, is—there are a few reasons. Not to get money, obviously, or for the prestige—

Ms Englar: Prestige, prestige.

Mr Earle: Just for fun, I guess it is, and because it needs to be done.

Our mandate is to keep the clubhouse in running order, because it is a big building. It's approximately 5,000 square feet and it has plumbing and electrical and a roof and everything that can break down or that needs to get fixed or painted. The executive is also in charge of organizing events and making sure that it is a vital place and that things are always happening there.

Besides the executive, the clubhouse relies on the whole community to give input into it and maintain it. A sterling example of this was 1989: The clubhouse in June had a little fire, a little problem. It burned to the ground. Joey will be talking about how we rebuilt it and had fun doing it at the same time.

Some of the events that go on at this clubhouse—by the way, the clubhouse is located on Algonquin Island, as you might have guessed, on the northwest corner situated away from the houses a little bit, in a meadow. One side overlooks a meadow, and the other side has a wonderful view of the city, so we get a good perspective on both.

Some of the events: Perhaps the most exciting or most memorable for most people, and I think it's happened every year since it was built, is the New Year's Eve party. You get about half the island out to the New Year's Eve dance for dinner and dancing and lots to talk about afterwards. During the year it will have an art show where you have both city and island artists displaying their works, up to 20 or 30 artists, I guess, and people coming through.

The bar's open and we have lots of fun. There's a crafts show that happens once a year, where people get to sell the crafts they make. Usually it's a Christmas crafts show, I think.

Sports activities go on now—not so many right now, although we're trying to revive that—things such as Nerf soccer, badminton and pool; I guess that's a sport. Boy Scouts and Girl Guides often have taken place there, although I don't know if they're running right now. There's a children's Christmas party every year where we have Santa Claus and some entertainment for the children, stuff to do. There are always meetings of the Toronto Island Residents Association executive or the AIA executive. We have fund-raising events. Whenever the coffers get a little bit low, we decide to put on a fund-raiser—a dance, actually—and try to raise funds for the AIA, which is always a lot of fun.

There's a full-time day care which occurs there from September to May. There's always the school going on there. Other events are dart tournaments, Valentine dance, Hallowe'en dance and various classes throughout the year such as yoga, meditation and dance classes. During the summer, when the community is not using the clubhouse as much, there are always a lot of private functions such as weddings and anniversaries and parties and family get-togethers going on there.

It is a very busy clubhouse and is a focal point for the community to come and hang out and talk, which islanders love to do.

In summary, it is built and run by volunteers, it is self-sufficient in that it raises its own funds and puts on its own shows and usually it works on a day-to-day basis. Hopefully we'll get some money in the bank to do improvements. It is a focus for the islanders and events. It's a place where we all get together and, as I said, get to talk to everybody.

It is also a place, I think, where people who are not in the community can come to the island and go to an event at the AIA and get to know everybody on the island. A lot of people whom we know now from the city we've known through the clubhouse, getting to know them because they've come over to all the events.

What else is there? I was just going to say it's very non-political—at least, I think it's non-political—amidst all the politics that are going on here.

In the future, I think I'd like to see the clubhouse retain its character in that it will be run by volunteers and self-sufficient and just a place for islanders to do whatever they have to do. Also, as it is, since we're going to be having new people coming to and living on the island, it will be like a community centre or a focal point for them to come and mingle with all the islanders and get to know all of us.

That's what it is, basically, although there's more to be said here, so I'll let Joey take over.

Ms Gladding: As Martin mentioned, on June 26, 1989, we had a terrible fire which did destroy our clubhouse, an unfortunate accident. That initial sense of devastation about this fire turned into a determination to rebuild, and we knew that we could do it the way it had been built in

the early 1950s, by volunteer labour. Indeed, the clubhouse was mainly built by volunteer labour. I actually have photos, if people want to take a look at what happened. The photos show the destruction. This was a record which was kept by a member of the community who came out every weekend and took photos of the rebuilding process.

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We started to rebuild, actually, on July 1. We gutted the building and every weekend people could come out and join the AIA Fitness Club, as we called it, because there was a tremendous amount of work to be done, from the most menial task to skilled carpentry etc. The other way people could contribute, of course, was through their cooking. We had meals for the volunteers, baked goods, and that was all donated by members of the community.

But it wasn't just people from the community who came and helped rebuild. We had people who came every weekend from the city, diligently. Sometimes there were 70 people on a weekend. It was like a barn-raising. On the coldest winter days, people would still come and help.

This went on for over a year, and now, two-and-a-half years later, we have this beautiful building which is available for use by everyone, not just islanders. City people come and use this building for conferences, weddings, as Martin said, and family get-togethers. We feel very fortunate that we were able to do this. We feel that it's a testament to island spirit and a real belief in what we were doing. As Martin pointed out, a fundamental aspect of how we operate is that we are self-sufficient and we haven't had to rely on government funding to keep it going.

I think that's all I have to say.

Ms Englar: I was asked to come here and speak from my heart about the heart. Our clubhouse was called the heart of the community. Our clubhouses are the hearts of the community.

They're places to go. You've heard evidence of this. The pictures that are going around are living evidence of how we love something that we didn't own, actually. We found out that we were paying an insurance policy on something we didn't own. The building was owned, they said, by—this is the political part. Martin and I kind of separate a little bit here, because I think it is political. I think the island's political. It's a wonderful place. The heart's political. It takes political action to get things going.

We paid insurance on a building we didn't own. We rebuilt a building we didn't own. It's open to everyone. We keep saying that and we mean it. It's not only the islanders that we take care of; it's people from all of your communities. We welcome all of you. It takes all of us to run it. It takes all of us to make it come alive and stay alive.

We have a demolition bill. We actually have a demolition order on the building. Some members of government would rather see this building demolished than become a living, productive place.

One of my favourite stories is about two old men who have been turning up at the building, Joey, I think, since the fire. They come about six times a year. One of the men used to live on the island. His home has since been demolished, but what he remembers is the clubhouse. He lives in

a seniors' home now, and he brings his elderly friend and they come, and it's a place to go, a place to get in out of the weather, a place to talk to people.

I think our clubhouse and our clubhouses on the island are, as you've said, a model. We are actually a small microcosmic kind of model of a land trust. We have taken care of ourselves. We know how to do it. The people who are here in the audience, the people who have spoken over the last two days and who will continue to speak for the next day, know how to take care of each other. We're caring, loving and feisty and we'll hopefully work very hard to get what we want. We are doing a good thing. The clubhouse is an example of that.

We hope the committee can see its way clear to support this bill. We need to get on with life. Too many stopgaps have been put in front of us. We need to get on with living and being productive human beings, all of us, and we can do it with this bill. We thank you for your consideration.

Mr David Turnbull (York Mills): I've heard a lot of presentations which have revolved around life on the island and I have absolutely no doubt that you are a caring community and one which feels very proud of what you're doing.

My concerns revolve around the fact that we have a situation where the majority of the islanders have been there for a relatively short period of time, within about the last 10 years. These people have not been paying any rent whatsoever. We can get into a great debate as to why you didn't pay rent or anything like that, but the fact—

Ms Englar: I don't think-

Mr Turnbull: Just let me pose this question. This is my concern. The fact is that the majority of the people have paid very little to get on to the island. It is owned, or it was owned, by Metropolitan Toronto and we now have a situation where you're getting a sweetheart deal. I've heard all the discussion about the fact that you don't have these services other people have. Well, you know something? There are an awful lot of communities in Ontario that don't have certain services. It is your choice that you moved there.

The fact is that if this deal were exposed to the open market—according to the Lepage appraisal which was done for the city of Toronto some five years or so ago, you are getting a deal which is very, very sweet compared with what the open market would pay.

My question revolves around, why do we choose one community and say, "Okay, we're going to give them a sweetheart deal"? Why shouldn't we allow people to move on to other parkland and in essence squat and then get very sweet deals? I'm not challenging the validity of the community in the sense of it being a good and caring community. I'm talking about the deal which affects all taxpayers.

Mr Earle: In 1956 there was a whole community on the island of I don't know how many houses, a vibrant community, and their sweetheart deal that they got from the city was to have their houses bulldozed and burned in front of them.

Mr Turnbull: We're not talking about those people. I think that was a lousy deal, much in the same way as I

would be fighting for their rights now. I'm talking about the many people who've moved there in the last 10 years who haven't paid to be there.

Ms Englar: We have paid to be there. People pay the first day they step on the island. First of all, they pay a ferry fare. They buy a house; they rent a house. We have put \$80,000 into a building we do not own; \$80,000 of our own money has gone in to make and to help hold the structure up over our heads. Just this small endeavour here—

Mr Turnbull: With all due respect, that was your choice.

Ms Englar: That's the idea of the island. We moved there. We pay our bills. We improve things that do not belong to us. We are stewards of the land. We take care of the parkland. This building that we are responsible for, in the city, would cost you tens of thousands of dollars to manage. We absorb that cost. We are those tens of thousand of dollars, right here in this room. This is what we represent. The rent on the land we do not own was given for \$1; the Metropolitan government got it for a dollar and now gets \$8.1 million for it. We take care of the land. You have to understand. This is what stewardship is about. This is what the land trust is about. We pay our bills.

You see a sweetheart deal because you see 99 years and you see what, to you, is an inappropriate amount of money. I think you should be giving this deal to a lot of members of your constituency. People are being starved to death. You are taxing people out of existence.

Mr Turnbull: We can't afford to give this deal to a lot of our constituencies.

Ms Englar: We are not absorbing money from you.

Mr Turnbull: The taxpayers can't afford this.

Ms Englar: We are being self-sufficient.

Mr Mammoliti: The islanders are getting it for 13 cents a day.

The Chair: Mr Turnbull, we'll move on to Mr Mills, please.

Mr Mills: Thank you very much, Mr Chairman.

Mr Mammoliti: They're your friends. That's a sweetheart deal.

Ms Swarbrick: George-

Mr Mammoliti: Sorry, Mr Mills.

1040

Mr Mills: Through you, Mr Chairman, I'm sure my remarks will be of some interest to the presenters, and then through you to my friend Bernard Grandmaître about, you know, in the last explanation I said this isn't an agency. I want to clarify that.

I've had some advice from staff that it will not be an agency, board or commission; it will be a corporation. If you were to look at subsections 11(1), (2), (3), (4), (5) of the bill, you'll see that it says, "The trust shall be deemed not to be an agency of the crown" and, "The objects of the trust...." etc.

Having clarified that, it's a pity the member from Etobicoke isn't here at the moment; nevertheless, I'm sure his colleague will pass this along. There was some reference about the number of units there, and it will be this and that and it will just be built over. The city of Toronto official plan does not deal with the number of units. It designates an area as a low-density residence area on the island. This designation has a maximum of one time's coverage, and without a survey it will be impossible to determine how many units that will mean. I hope that has put to bed those problems that keep recurring.

Mr Turnbull: Excuse me; one time's coverage?

Mr Mills: One time's.

The Chair: Do you have a comment on Mr Mills's—he was obviously talking to you.

Mr Mills: I'm sorry that I used the opportunity to address you to get through this.

The Chair: Don't go away.

Interjection: We thought we'd escape.

The Chair: The Liberal caucus has an opportunity to ask questions. No questions?

Thank you very much for appearing today.

TORONTO ISLAND RESIDENTS ASSOCIATION

The Chair: The next presentation will be from the residents' association, Mary Anderson, co-chair.

Ms Mary Anderson: Good morning. My name is Mary Anderson. I'm a member of the TIRA executive and a charter member of the Toronto Island Non-Profit Housing Co-operative that was established in 1978. I have lived on the island for 23 years.

I would like to thank the members of the committee for the time that they are devoting to a more complete understanding of Bill 61 and the creation of the Toronto Island land trust. Part of our purpose here today is to encourage and congratulate members of the Legislature who are willing to bring this political deadlock to an end. Our judgement is that the public will respond with relief in seeing that solutions can be found to age-old problems.

We feel that the land trust solution to the preservation of the island community is a fair and sensible one, and one which is congruent with our own community principles. The remarks I have to make this morning are about the fairness of the lease price, the importance of no economic eviction, and the protection of tenants, the protected occupants. I hope, Mr Turnbull, that some of the things I have to say will actually address the concerns you've demonstrated.

The decision by Metro Toronto in 1956 to tear down all the houses on Toronto Island was part of a series of events that created an economic anomaly. After Metro's decision, no one coming to live on the island could be assured of a very long tenure. Lease extensions were hard fought for and they were often for a very short period of time. As a consequence, the island house prices remained very low when compared to those in the city.

The effect of moderate house price was twofold. Firstly, almost anybody who wanted to come and live on the island or to remain on the island, as many have since prior to 1956, could do so. Because the house prices were low, there developed a natural economic mix that was very diverse. Whether people had a lot of money or whether

they had a little money, they stayed or they came to the island because they truly wanted to be there.

I know you've expressed you're not able to understand why people would come in this kind of a situation. There may not really be a rational—

Mr Turnbull: That's not what I said. I didn't say I wasn't able to understand why they went.

Ms Anderson: I think people come and they decide, and it's not necessarily a rational decision. Often it's a little bit like falling in love. You just have no choice; you have to be there.

Mr Grandmaître: Holy cow. I'll vote for the bill.

Ms Anderson: But the price—did you hear that? Is that in Hansard? We've got one Liberal member; two more to go.

But as Leida was referring to, the price to come and remain was often the price of a large commitment of time, energy and struggle for community preservation.

Living on an island where there are no corner stores and no cars often fosters a degree of self-reliance but it also fosters, as you have seen, a certain amount of interdependence. Maybe your neighbour has the faucet washer that you need to fix this problem or maybe she's going to go and get your kids from school because you've missed the 4 o'clock boat. Looking after elderly neighbours and picking up things at the market for other people become a natural way of everyday interaction. When people begin to see that these sorts of relationships work successfully, they begin to think of other things they can cooperate in. They do beach cleanups, tree plantings, they create a parenting centre, they do the skating rinks, and slowly the web gets built.

I believe that this urge to self-reliance and cooperation was intensified by the hostile political environment. I believe if we had a 200-year view or perhaps a Buddhist view of things where we saw all of ourselves as players, we would understand that Mr Stockwell's opposition through the years has actually helped to create our determination, and for that, if he were here, I'd thank him.

Added to the almost constant political struggle to preserve the community was the never-ending battle against physical decay of buildings that we were prevented from fixing up because we were denied and still are denied building permits. So the cooperation intensified: long hours of political meetings and organizing, building bees over the weekend, when the inspector wasn't around, to make room for that new baby, intense work of rebuilding the clubhouse that you have heard about, and the web gets stronger and stronger. From these many long years of political battle, islanders, as you can see, have developed a certain sense of community pride in being able to take care of themselves in spite of many obstacles.

The object lesson became very clear. The lesson was this: that we depend on each other and that we support each other, and because we do, life is better. For instance, money is needed to put a new floor into the clubhouse, so there's an auction to raise some of the money. There are many people on the island with very limited incomes but they do have two strong hands that can do fine work. So

somebody builds a beautiful birdhouse. It's bought by the local plumber. He pays a very high price for it, even on the open market. But the plumber has the money because he's just gotten it from his neighbour because she's paid him for fixing her burst pipes in the winter, and she has the money because she's been working for the community, organizing volunteers for the clubhouse reconstruction. So the money goes around and around and around and it never really leaves the community most of the time; it's recycled. The web gets woven tighter and there begins to be a rhythm and a pattern to it all. We begin to depend on these interactions, on seeing these faces and on going to these meetings and the celebrations together.

So the paradox arises. In this tiny community that has been threatened for 35 years by all this political insecurity, there's actually a great amount of security in this interwoven web. I believe that this web has been woven carefully over time by all of us who live on the island and the people who have helped us, people with different incomes, different backgrounds, levels of skill, ingenuity, talent, creativity, humour and stubbornness. The strong web of interdependence arose partly from circumstances of living on the island, partly by being threatened and also from the economic anomaly that allowed for real diversity.

The political insecurity gave us a gift and it said: "You can live out here. It's not too expensive. We don't exactly know what's going to happen. If you don't have a lot of money to contribute, you can do so in other ways. You can sew, cut hair, rake ball fields, put on plays, make food, sing, tell jokes, work with the kids, take care of the sick, teach," and the web is strengthened.

There is a direct relationship between the inexpensive housing and the strong web. There is a direct relationship between the affordable land trust solution and the ability of this community to continue to be self-reliant. Moderately priced housing that people can afford leaves space in their lives to give to their community. It allows them to spend a little time.

1050

I would even venture to say that affordable housing allows people to be downwardly mobile. In the 1980s it wouldn't have been cool to be downwardly mobile, but I think that in the 1990s we might even see this downward mobility becoming a virtue, because I think we understand that our social services and all of the other social supports we have are breaking down. They're breaking down largely because people are struggling too hard to try and make ends meet.

There have been short periods over the last few years when the political future may be brightened or it went into limbo for a little while, and during those times we began to witness just what effect the speculative housing market would have on our community.

The promise of stability and the invasion of a speculative market began to damage and threaten the web we had created. House prices would rise and diversity was threatened. Only the people with certain incomes would be able to buy into the island at those times. Continuity was threatened. The tenants, the long-time residents, often would have to leave if their absentee landlord decided to sell their

house for a higher price. That's why the sections in the act about protected occupants are so significant. Creativity was threatened. People who had very low incomes, often single mothers with kids who had struggled for many years to keep their houses intact, would sell them occasionally in these times because the prices were tempting, only to regret later what they had lost in terms of social networks and support, and for us to lose in the services they were able to give to the community.

It's clear that this web has an incredible value and that the value of the web of relationships was created by the whole community and belongs to the whole community. There's a direct relationship between affordable housing and the continued health and strength of that web. Our community principles include such concepts as a fair lease price on the land and no economic eviction and no windfall profits.

The land trust solution, Mr Turnbull, says that the social value the community has contributed—that very strong, irreplaceable web that has been woven over the years by numerous people—should not be withdrawn from the community. The what-the-market-will-bear solution means that housing that exists on public land will go to the highest bidder. It means that a person selling a house can make a gain and walk away with a value that in a very real way does not even belong to them but belongs to the whole community and belongs to the wider public community, which you are to protect. From your perspective, they'd be walking away with something that belongs to the public, and both are true.

The land trust solution says the owner of the house will be compensated for the value of the structure of the house that he or she has maintained and for the value of the remaining lease. That other value, the value of the strong, viable, independent and supportive community, remains where it belongs, where it was created, in that same community.

Some would say the value of living on the island is its prime real estate location. I think you would say that. Others would say the real value of the island is that it lies in the rich social, cultural and creative community life, but I don't think we have to argue about it. I think both things are true. It's a wonderful community and it's in a great spot, but that's not the point. The point is that the affordability of the existing community has to be the guideline for any solution that's arrived at.

What Mr Johnston understood very well when he came to look at the community was that this had to be addressed. Not to address the question of what was affordable for the people who live there right now would be to put a lie to this entire political process. What is being proposed is probably affordable for about 70% to 80% of the island community. There's going to be a 10% to 20% group of people who are going to do it whether they can afford it or not, because they want to hang on to their homes. Then there'll be a certain percentage of people who will be able to take the co-op option, so that they will be able to sell their house to the co-op and live there, rent geared to income.

To save the island community for only a very few rich people who might be able to afford the higher price is, of course, not a politically responsible step for any member of this Legislature to take.

The land trust solution protects the public interest and it protects the value that has been created by members of this community. It allows for a space for the web of diversity to develop and ensures that this opportunity is widely available, and it does so for 99 years and it does so over and over again. It's a kind of green economic theory. It's a theory that recognizes the value of non-monetary wealth-creating activity, all that activity that goes on in households, in community organizations, and it understands that that kind of wealth is necessary if the other kind of monetary wealth creation is going to take place in this society.

The land trust is a social experiment, in a sense. We are living in times that are difficult and that are very full of change and it's precisely the kinds of times that require a new approach. I think the future will demonstrate that this is a very good way to do it.

I've given you a lot of soft economic theory, but I'd also like to quote from a report done for the city of Toronto. In December 1990, the then commissioner of housing for the city of Toronto was asked by the executive committee of council to comment on the feasibility of Cityhome acquiring the island homes for affordable housing, with a lifetime tenure for the present occupants. This is very similar to the kind of proposal Metro Toronto was looking at too when the discussions were going on with Mr Johnston: "Let's take it over. If people really can't afford it, then maybe slowly, one by one, we can put it all into Cityhome or MTHA." This is what the commissioner had to report. On page 4 of his report, he says:

"I would expect capital costs to be in the range of \$30,000 to \$60,000 a house for a total of between \$7.5 million to \$15 million. Assuming a 'break-even' scenario, the unrecovered rent of approximately \$7 million which has been paid to Metro should also be capitalized. Though the overall capital cost 'guesstimate' would be in the range of \$14.5 million to \$22 million, this figure must be used cautiously as we would require house-by-house inspections and a legal opinion of the potential city liability for compensation of the residents to have accurate estimates."

So this is just the cost he's figuring of, if the city took it over, what it would have to pay to fix up those houses—not buy the houses from the islanders, but just fix them up.

Then, "Taking into account typical Cityhome costs, conservatively estimated, for managing individual houses, including financing costs, management fees, utility and operating costs and reserve fund contribution, I would estimate the break-even monthly rents to be in the range of \$1,227 to \$1,500 per house....I would assume that to mean 'no economic eviction' with its corollary of affordable rents...that no household would be paying more than 30% of its gross income on rent. The cost to the city of this proposal, then"—or to Metro if it was MTHA—"becomes the subsidy cost for those households.

"Using the 30% guideline...and extrapolating to 1990 the available 1988 estimates of the average household income for island residents, about 37%" to 58% of the households would be eligible for assistance.

"To conclude, I would estimate the annual subsidy cost to the city, assuming the Ministry of Housing would be prepared to provide these subsidies, would be in the range of \$500,000 to \$1.2 million annually, depending on whether repair costs are high or low and on whether actual incomes are higher or lower than our estimates. This also assumes the land is transferred to the city at no cost and that there are no major compensation costs."

If this had been the solution, and this is a solution not unlike the one considered by Metro where all the houses would eventually become part of MTHA, the taxpayer would then be carrying quite a big burden.

When the affordability question is addressed, when you keep the price of housing close to something people can actually manage, you save the government millions of dollars in subsidies. You save it not once but you save it every time a new person moves in, for 99 years. Every time you don't have to give somebody a subsidy, you save that money.

In fact, the community, not the government, the land trust, is going to be the body that takes on the task of rebuilding and revitalizing the island neighbourhood. The islanders are going to be paying the mortgages, the islanders are going to be managing and operating the trust, and it's the islanders who are going to be stimulating the economy with the millions of dollars worth of repair and renovation they are putting into their houses.

I hope that addresses some of your concerns about what this is costing the taxpayers, and I think it should give you an idea of looking at the other side of it.

1100

I only want to reiterate our concern about the structure of the board. I think the regulations now provide for two thirds of the board members to be residents of the island community, out of 15, and that's fairly sensible. We've had some discussions with the staff of Municipal Affairs about who the other people might be. Presumably there would be someone from the city and someone from Metro and someone from the province and people who are interested in the kind of broad trust issues would also be members. But I don't think it's enough to put that in the regulations. I don't understand why it's not in the act, because I think it leaves us open to another government coming and changing it too easily and leaving islanders in a situation where they have to work with perhaps a very hostile group of people.

One perspective that these committee hearings have given me is that this really is an enormous task. We've been with our heads to the ground, looking very closely at a lot of details. You can see the enormous task and the readiness we have to take it on, but it would be very difficult if another government decided it was not going to choose the recommendation of the island community for the membership on the board or if there were a majority of hostile members on the board. It would be very difficult for us to work.

I think it makes much more sense to give at least a simple majority to islanders and to put that right in the act and leave it there. What I think would make sense is that you define in the regulations how the members from the island community perhaps should be chosen through

election, how many years people would serve and what sorts of other people you might want to have over the years who would join islanders on the board membership. I really urge the members of the committee to consider an amendment to the act which would take the structure of the board and put it into the act and not just leave it in the regulations.

You've given us an enormous task to do, and I think you have to show faith that we can do it. I don't think members here would argue that we don't have the skills to do it. I think you just have to take that one next step of giving us the confidence that this partnership will really be there even in five or 10 years.

Ms Anne Swarbrick (Scarborough West): I just want to say, Mary, that you're a very wise woman. Thank you very much for the thought, the time and the feeling you put into your presentation. Actually, I personally feel enriched by the whole process of being here through this week to hear the kinds of things that many of you have put forward. Your presentation is certainly very much one of them. Thank you.

The Chair: Mr Eddy?

Mr Ron Eddy (Brant-Haldimand): No questions.

Mr Turnbull: Specifically, if one goes down to the docks and looks at the people boarding the ferry and coming across in the morning—I haven't personally done this, but I know of somebody who has taken this trouble. They said a remarkable percentage of the people are clearly senior business people. They're coming across with briefcases. We know; we have the profile of many of the people who live on the island.

Here's the point: Do I take it that you think in some way the public purse should subsidize those people to live in these communities, at the expense of the money being better spent to help people who truly can't afford your rents? By your own admission, you said 10% to 20%, you feel, under this arrangement will not be able to afford their houses and that maybe the co-op will fix this. But why on earth would we want to subsidize senior lawyers and accountants to live on the island?

Ms Anderson: That's not what you're doing, and it's not the point.

Mr Turnbull: It is the point.

Mr Mammoliti: Three lawyers, one doctor.

Ms Anderson: My experience has been that I've seen people with a fair bit of money come to the island occasionally. They think it's going to be great, but they spend one winter there and they often can't take it, because they're used to more luxurious lifestyles. I'm not going to deny that there are some people who do have some good salaries who live on the island, and they seem to be able to take it just fine. When I was 20 years younger, I used to be embittered about the people who had a lot more money, but I feel we're past the situation where—I think there's another way to look at these things.

I think you make something affordable. In this case, a rich person could look at this and say, "I'd like to do it, but I'm not going to make any money, so why would I do it?"

That's often the way people get rich: They try to think how they're going to make a lot of money.

Mr Turnbull: That just does not hold water. The fact is that if somebody has a large amount of money, they can pay the very modest amount to get this land—

Ms Anderson: Yes, they can, and so can I.

Mr Turnbull: —and they build themselves a wonderful house and they can still have a lot of money left over. If you take a radius the same commuting distance as the Toronto Islands from downtown, which goes to the Beaches or to Yonge and Eglinton or goes to the east end of Etobicoke, and you look at the value of houses there and compare it with what they will be able to achieve building a brand-new house on the Toronto Islands at this kind of price, there is a significant economic advantage to them. They can put that money into any other investment they like. So your argument just doesn't hold water.

Ms Anderson: All I'm saying is that often the other kind of lifestyle advantages that go along with money aren't there on the island, so people leave, or they decide to only come in the summer, which turns it into a yachting community or some other kind of summer community, which is the kind of thing we fought against. That's why we're demanding people have it as their principal residence. We don't want to see this happen.

Mr Turnbull: I don't know how you police it.

Mr Stockwell: Any more time?

The Chair: No, we're out of time, unfortunately. Thank you, Ms Anderson, for appearing today.

Ms Anderson: Thank you.

TORONTO ENVIRONMENTAL ALLIANCE

The Chair: Our next presentation will be from the Toronto Environmental Alliance, Gerard Coffee. You've been allocated one half-hour for your presentation. You can introduce yourself, your position within the organization and commence your presentation.

Mr Gerard Coffee: Thanks very much. I'm sure it won't take half an hour. My name is Gerard Coffee and I represent the Toronto Environmental Alliance. We're a non-profit organization that works generally in the Toronto area to enhance the environmental condition of the city and its natural spaces. I'm the coordinator of that organization.

I'd like to thank the committee for the opportunity to speak today. I've spent a fair amount of time recently, quite specifically from 1990 to 1992, with another person from the Toronto Environmental Alliance as a member of the city of Toronto's technical working group on traffic calming and auto emission reduction. The purpose of that committee was to examine the feasibility of various measures designed to achieve emission reductions. The major reason for the existence of the committee itself, I should say, was the need to reduce emissions of carbon dioxide, which is a major factor in the creation of the greenhouse effect, as we by now are all aware, I'm sure. While there's still a certain amount of disagreement over the eventual effects of carbon dioxide emissions on the greenhouse effect, there seems to be general agreement that global temperatures are rising

and that there will be some effect which we would rather avoid.

What all of us involved in the production of the committee's final report learned, if we didn't already know it, was that the need for reduction of emissions from automobiles was critical at this point if we in the city of Toronto, as well as the citizens of Ontario and Canada itself, were to minimize the effects of the rise in global temperatures. We are aware, I think, that the cost of allowing unregulated carbon dioxide emissions to continue would greatly exceed the cost of the kinds of measures we could put into place at this point to reduce those emissions.

We also learned that the effects of the overdependence on cars was not simply limited to global warming. Pollutants released by autos include 70% of Toronto's nitrogen oxide emissions, 90% of the carbon monoxide and 75% of total hydrocarbon emissions, which also include benzene, a carcinogen known to cause leukaemia. All of the above in fact damages the health of the city's population.

The value of reducing car dependence also has application to the way we structure our cities. The environmental impacts of that dependence are compounded when cities are structured in such a way that the use of cars is unavoidable. We only have to drive—or walk, if you're lucky enough—out into the suburbs to see that car dependence is inherent in the way cities are structured. You basically just can't move without one.

1110

The reliance on the automobile creates urban sprawl. Sprawl increases the amount of total energy used, both in construction and maintaining suburban services. In fact, it has been estimated that the cost of building the suburbs the way we have, making them car dependent, has increased the energy demands by about 1000%, 10-fold, when you take into consideration the extra roads, the extra servicing and the extra miles that vehicles have to drive. It's quite dramatic. The environmental impact of the energy required to build and service, including such problems as global warming, acid rain and the disposal of nuclear wastes, are consequently increased.

While the evidence of the problems associated with car dependence is clear, the options available to us are less well developed. Alternative combustion fuels and electric cars exist but are not widely available, due to a number of technical problems which remain to be overcome. Historical land use patterns are hard to overcome. Architects and designers are only now coming to terms with the need to design communities in ways which minimize automobile use and its impact on the environment. Few communities in the developed world are available, in fact, as models for the type of land use patterns which will be necessary in the coming century—necessary, that is, if we are to find the elusive goal of environmental sustainability.

We in Toronto, however, are a little more fortunate than most cities in having an example of exactly this kind of community in our backyard. We have a lot of other things in our backyard, some of which we don't want, like garbage dumps, but this one is a little more positive. I'd say that the community that's evolved on the Toronto Islands over the last 40 years is in many respects one

which can serve as a model to ourselves and to others in North America as we all search for the grail of sustainability. This community does not depend on cars to anywhere the extent common to most communities in Toronto, never mind Ontario or even North America as a whole.

While there is little doubt that the distinctive nature of the community owes a great deal to its position as an island, we believe there are, none the less, many transferable aspects of this community, which are not only the envy of many of its visitors but have valuable lessons for the whole of the country. We're all searching, we believe, for the answers to car dependence and the problems it poses, and the Toronto Islands may well provide one which is right under our very noses.

Community values are also important to the preservation of the environment, and in this area we believe the island community also provides a model for the development of similar communities in Ontario. The value of limited car access, narrow streets and small lots lies in their ability to foster the kind of community spirit all too rarely seen at the end of the 20th century.

Island residents are in fact extremely active in their community, taking responsibility for their production of waste by fostering community composting, for instance, and practising stewardship over the natural areas and public lands through promoting regeneration of natural areas and the elimination of spraying herbicides in city parkland.

The present environmental significance of the community might even be enhanced by the thoughtful planning and construction of the new units contained in the plan. The option exists to construct any additional housing in such a way as to provide a model of environmental sensitivity, from the site preparation to the landscaping. These units could be built in such a way as to minimize environmental impacts and blend with the surrounding areas.

A questionable aspect of the plan, however, from our point of view, is the use of land which is now in the process of regeneration to provide housing, as opposed to land which was originally designated, land which at this point is mowed, has been used for housing in the past and is presently being underutilized as a Frisbee course; I wonder if anybody here has played there lately. Naturalized land, in fact, as far we're concerned, is all too rare in this city, and efforts are being made by many organizations and many municipalities throughout Metropolitan Toronto to promote and to reintroduce native plants, insects and animal colonies. North York is a really good example, we believe, of what can be achieved through the regeneration of existing parkland, and would have in fact, I would say, about a dozen regenerative areas.

We think it's about time that Metro started to catch up. The city itself has done a reasonable job, but we think the island community has done an extremely good job and has been very positive in the way it has promoted this.

While we believe the need for additional housing and the use of existing natural areas should be examined, we are concerned about the political games which apparently are being played by Metropolitan Toronto and the regional conservation authority over the seawall. We have some concerns about this and we believe they should be looked into in much more detail. We don't think those concerns should hold up this bill.

We believe that the Toronto Islands community has much to offer us as an example of a non-car-dependent community and that in fact we shouldn't just protect it; we should promote it, we should examine it and we should look at it very closely and look at the lessons that can be learned, that can be transferred and that can be used in other communities.

Mr Eddy: Thank you for your presentation. Could you explain further your views of the development or preservation of the island as it is for natural use?

Mr Coffee: My ideal would be that Metro and the Metropolitan Toronto parks department would look at the whole of the islands and not just try to beat the community where the houses are right now over the head, look at the whole of the island community and the whole of the island park and look at areas that could be naturalized.

If it's absolutely necessary that houses are built on the land that's now in the process of regeneration, we think there should at least be areas comparable to that which are allowed to regenerate and which are helped to regenerate in order to provide a habitat for insects and animals which we believe is sorely lacking within the city.

We are also very keen, of course, to reduce the amount of herbicides that are used anywhere, as far as we're concerned, for cosmetic purposes. That's not to say that there's no need for grass and for open grass areas; there is. There's no doubt about that. Centre Island is quite a popular spot for picnics. We wouldn't want to have bulrushes growing where people would like to sit. There's still a need for that. But we believe there's a great deal of room for natural regeneration in some of the underutilized areas.

Mr Eddy: Do you see the proposed increase of population as detrimental or not necessarily?

Mr Coffee: I don't see it as detrimental. It's a toss-up, I guess. I think in some ways the extra population on the island may in fact lead to more utilization of the existing park space because what may happen is that people will feel safer. I know this argument has been made before in terms of other parkland and in terms of the Toronto Islands.

I think it's true that leaving park space without anybody who has some sort of interest in its upkeep and who lives close by is a problem in terms of vandalism and in terms of park safety. There have been studies done by people at York University which have shown the correlation between communities and the safety of parks. I think, in that sense, that building these extra units will in fact have some sort of positive effect. I think the amount of units that are being talked about should not have a particularly detrimental effect, especially if they're kept to the existing, already developed areas.

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Mr Stockwell: I've heard from the environmental alliance in the past, and the question I always have is, you believe in intensification, which is a noble thought and it's always been pushed forward by Martins and Gilberts and so on, and you believe in decreasing dependency on the car, which has always been put forward by your group and

the Laytons and Amers and so on, and it would seem to me that you don't have a better place to in fact produce that than the Toronto Islands. I would have thought you were going to come in here and tell us what we need to do is develop to a greater extent on the island by creating more intensification and decreasing the car dependency. Is that not a fair statement?

Mr Coffee: If Metro would give us all the land, then maybe we'd be in a position to make that kind of decision. The problem is that at this point Metro is being incredibly obstructionist about the whole plan. It appears that they don't really want to solve the debate at all, in my view. You're absolutely right that generally speaking what we would say is we favour intensification. In fact we do, and there are many places, I believe, throughout Metropolitan Toronto where we would favour intensification.

The island debate is not just about intensification. It's coming up at this point for a whole bunch of different reasons, I believe, and we would not put the Toronto Islands, given that it's partially parkland, at the top of our list of places to develop in a much more intensive way. I think there are many, many places throughout the city where that might happen before the Toronto Islands. However, I think if you are actually going to develop, then we should look at doing it in the most energy-efficient and most resource-efficient way possible.

Mr Stockwell: That goes without saying, but the question does stand none the less. If we're going to talk about intensification and development and we're going to build a co-op, personally I'm not in favour of any building on the Toronto Islands, as you probably well know. I don't believe you build in parks, period, but that policy obviously isn't shared by the government.

If we're going to go ahead and build cooperative housing in parks, I guess the question then becomes—I'm feeling somewhat like John Sewell at this point—gee, it's really interesting that we could have intensification take place in such close proximity to downtown, with public transit already in place, ie, the boat, and we would have no car dependency at all. Gosh, you'd have a pretty strong argument there to develop a huge swatch of this land and say, "Boy, this may be something the people from the Netherlands can come over and take a good long look at about what a great idea we've got going here, land trusts, intensification, no car dependency." Gee, that just sounds really interesting, to steal a phrase from John Sewell.

Mr Coffee: You even sound like him.

Mr Stockwell: Yes.

Mr John Sola (Mississauga East): You even look like him.

Mr Stockwell: I sat on council for a few years with John.

Mr Coffee: I know.

Mr Sola: You don't act like him.

Mr Stockwell: But it would be really interesting, wouldn't it, to take care of the intensification problem that way.

Mr Coffee: Yes, I think you're right. I think what we should probably do is we should get Alan Tonks and John Sewell and yourself and—

Mr Stockwell: Sure. You know, it would be something if we got elected next time, the Conservatives. I'd like to meet with you to talk about that.

Mr Coffee: Yes, we should sit down and we'd just look at—

Mr Stockwell: It would be great, intensification of the island from an environmentally sensitive point of view. We'd get the islanders on side, and these people, no doubt. I look forward to that.

Interjection.

Mr Stockwell: Thanks, George. I feel better about myself now.

The Chair: Further questions? Seeing none, thank you very much for appearing before us today.

Before we get to the next presentation, I would just have members note that they should now have in their possession the interim summary that has been prepared by the research people. I would again remind members that the Chair would appreciate having the amendments presented from the various parties to the Chair at the earliest possible moment.

Interjection: Like now.

The Chair: Like now; exactly.

SHEILA MURRAY

The Chair: The next presentation is from Sheila Murray.

Ms Sheila Murray: Hello.

The Chair: Good morning. How are you?

Ms Murray: Fine, thank you.

The Chair: You have 15 minutes for your presentation, and members will have a copy of it.

Ms Murray: Yes, I'll give an abbreviated version.

I'm an island resident and a registered landscape architect. I'm part of the stewardship committee, a diverse group including several professionals whose expertise in technical matters, community outreach and facilitation allowed for an extraordinary amount of work to be completed at a minimum cost to the government.

The entire committee and community are deeply committed to preserving the idea of land stewardship. For us, stewardship means more than just environmental stewardship. It also means embracing the idea of social stewardship.

The following objectives were established by our committee:

- (1) To outline stewardship principles which would include environmental issues such as mowing, spraying, lagoon-shoreline cleanup, community compost, replacement trees, safeguarding sensitive areas and community gardens.
- (2) To create an inventory of environmental, social, structural and political constraints on any new construction.
- (3) To provide a regional perspective to the planning process, including consideration of the needs of city and regional visitors to the island community.

- (4) To develop a framework to balance environmental constraints and considerations with social needs, such as guidelines around the type of construction, its size, height, bulk, location, floor area, spacing and character of the building.
- (5) To design and implement a full community process to allow for maximum participation by all residents to assess the possibilities presented by each of the potential sites.
- (6) To draft guidelines to minimize the impact of construction, demolition and renovation and the disposal of wastes generated through these processes.

We feel very strongly that every island resident has a responsibility as a steward to care for the human and natural environments on the islands which have been entrusted to us to be passed on to future generations. We feel that the process of designing and building new housing is very important but it will have an enormous impact on the whole community. We have developed the following stewardship principles which we hope will guide the planning and construction process:

- (1) Principle of planning—organic order and growth: To allow the whole to emerge slowly to avoid overwhelming change; to value the social and environmental benefits of planning and confirm that the community will adhere to basic principles of good planning.
- (2) Principle of participatory democracy: Bylaws will require regular meetings so that everyone is part of the process. The community is to adhere to planning and zoning regulations especially written for the community.
- (3) Principle of patterns: All growth is to be guided by a collection of communally adopted planning principles called "patterns," based on existing and desired conditions.
- (4) Principle of evaluation: The wellbeing of the community will be protected by a regular review.
- (5) Principle of ecosystem approach: The island is only one part of Toronto's waterfront and watershed. Islanders have both a responsibility and an obligation to promote a coordinated ecosystem approach to planning and development in the area, including the harbour, the spit, the city and the shoreline.
- (6) Principle of self-reliance: This is to foster the sharing of resources, both human and material, within the community to promote sustainability and independence and also to ensure that resources and energy are conserved, waste is minimized, air, water and soil are clean and safe, and green space is protected.
- (7) Principle of diversity: To foster diversity so that the Toronto Islands can be enriched by the cultures existing in Toronto, which is now recognized by the UN as "the most culturally diverse urban region in the world."

Although we viewed our job originally as helping to create an overall master plan for the island land trust, an immediate task which took many, many months to complete came up. Richard Johnston's report had suggested that three acres of currently unused land could be added to the existing community for new island housing. Residents and environmentalists were in agreement that this was an ideal site. The MNR decided that a study of the seawall on the south side of these designated lands had to be completed

before they could be considered, as it was worried about the stability of the wall as well as other shoreline problems.

Residents who were either born on the island or have lived there more than 40 years strongly disagreed with the MNR findings. One of our committee members, Steve Aikenhead, spent a few days at the harbour commission researching the seawall. Not only did he find full working drawings of this seawall, but he found photographs that had been taken daily of the construction process.

He gave these data to an engineer and an architect who wrote a report and sent it to MNR, and I quote from the engineer's report, "The heavily reinforced concrete seawall on the south side of the island has a 22-foot deep, continuous interlocking sheet-piling foundation and a 12-foot cantilevered and buttressed retaining wall with heavy stone backfilling and lakeside protection." He wrote that the seawall had been built to heavy industrial standards similar to a bridge. This is the seawall that they were saying was very weak and shallow.

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In order to meet the timetable established by the legislation, and given the constraints imposed on us by the MNR, it was necessary to consider how many homes designated in the bill could be built within the existing community footprint, while minimizing the negative impacts on the community, visitors and the natural environment. This required—in your sheets it says four; I'm only going to talk about three stages.

One was site identification. Within our committee we have three people who have taught environmental planning at the University of Toronto, so we sort of set up the committee as we would a professional environmental design office.

The first thing we did was create a series of maps. One was physical maps, where we noted vegetation, such as all the mature trees, or rows of trees or rare species. Another was soils. We were very concerned about possible contamination of soils, drainage, winter winds, sun, shade, air corridors of birds and planes, and wildlife, to name a few.

The second set of maps we made were social maps, and these plotted land use, such as recreational routes, the clubhouse or the ball diamond, which is used by city people almost every day throughout the summer. There was a political map, and that designated areas that already have some kind of legal or semilegal designation, such as environmentally sensitive areas, and a regional context map, which identified the larger planning issues and integrated problems of the entire waterfront, including transportation and access.

We surveyed every household. We conducted walkabouts and workshops to collect data. We held three public meetings to present this information and received direction from island residents. The TIRA newsletter was our conduit for getting information and articles out and for feedback.

The co-op at this time had signed Charles Simon, Walter Moffat and Marie Black as their architects, with Hough, Stansbury, Woodland as their landscape architects. We started working with the landscape architects as well and at one of the community meetings they presented a regional map showing the island in context, with all the surrounding planning issues. The second thing they presented was a

composite plan showing all the maps that we had originally done on vegetation and soils.

What came out was that they presented an opportunities and constraints map. What that meant was that where there were a lot of things piled up on top of one another, like maybe a 100-year-old tree and a special area near the ball diamond, that would show as something that didn't have any opportunities for building. It had a lot of constraints, and areas that had nothing on them became areas of opportunities.

It was interesting that one of the best possible sites for some of the housing in terms of environmental, political and social factors was the land originally suggested by Richard Johnston in his report. It would also be the least expensive because a significant portion of the housing could be sited in one place and there is easy access to it.

In stage 3, the architects provided alternative prototypes of housing designs. The minimum and maximum number of units were discussed for each site and after much debate, because of the impact to the environment, a vote was taken to approve between 53 and 80 housing sites at this stage.

This land trust legislation can become a model for creating and preserving other communities. It is an important ground-breaking model for Canada but one that has been successful in the United States and England. It is a model which takes the land out of the hands of the speculator, strictly controls prices and will allow the island to remain an affordable community for people from diverse backgrounds for the next 99 years.

The future of the stewardship committee is that it's deeply committed and takes its responsibilities very seriously. As stewards of the land, we are starting phase II, which involves developing guidelines for the architects and the co-op regarding specific siting, creative solutions to protect common and environmentally fragile spaces, and allocating areas for development. We will work with the consultants on a comprehensive master plan which integrates all aspects of the community's life, park planning and environmental and social considerations. What this process has shown is that the community is developing its own planning process and methods of appeal. I welcome your questions.

The Chair: Good. Questions?

Ms Murray: If there are no questions, we brought our zoning and planning people. I brought the Planning Act. There are two things I'd like to say. When we were developing these guidelines, we were very aware of the Planning Act and tried to read it and be aware of what was going on. I also have an example of a study that I wrote for a town of 1,800 people. The whole town was a national historic district. There are only nine of these in the United States.

In order to keep this designation we had to be extremely careful that any new building or existing building—if you even wanted to change your window, you had to go through this board. I was the town planner and we had a town architect, and the rest were just citizens. We tried to help people, if they wanted to do something to their house or build a new one, to make sure that it came within our

zoning and design guidelines, which we wrote ourselves. I know that in a small community it can work.

I have one other small anecdote. I did my master's at Harvard University. When I was there I was in the chairman's office one day and his secretary came in and said: "John Sewell can't come. Do you want Toronto to send anyone else?" He said, "We don't care whom Toronto sends, as long as he can talk intelligently about the Toronto Islands community." I said, "The Toronto Islands community?" I was thinking, "Who cares about those funny little houses?" At the time, I didn't live there.

The chairman came over and he grabbed my ear so hard I can still remember the feeling and he said, "Everything you came here to learn about how to design a community, you have in aces in your own home town, and while you're here you'll have to do a case study on it." Most of the major design schools in North America teach the Toronto Islands residential community as a case study. It seems like you never appreciate it in your own home town. I felt embarrassed because I didn't even realize that. Having lived there now, I do realize it and I do appreciate it.

The Chair: You've now got some interest. Mr Sola has a question.

Mr Sola: I noticed in your brief, on the site evaluation, stage 2, that you say your consultants presented a composite plan which showed the opportunities and constraints of each possible site. Concerns have been raised in this committee about the fact that the Toronto Islands community is on a floodplain. I would like to know what your study showed as far as that is concerned. Are the concerns raised here realistic or are they being aggrandized? What is the situation?

Ms Murray: It's a very good question. Just stepping outside and looking at it as a professional, the entire Toronto waterfront is on fill. Ontario Place was built right out on the water. You could say that the whole island is a risk, even though there's been a residential community there for over 100 years. I guess it's how far you want to take it. I think that's something that shoreline engineers could maybe predict, and maybe they could predict that possibly in 1,000 years there might be something that could be a very serious flooding. But that could also be true for Ontario Place and for anything south of the Esplanade.

Mr Sola: Tony O'Donohue was here yesterday. He claimed that the water table was almost at ground level, that you didn't have to dig, that the water table was almost at the surface. I'm just wondering, since you've had a study made, can you prove or disprove that statement made by Tony O'Donohue?

Ms Murray: No, I can't prove it. I've dug down in my own garden and I know we're not right at the water table. But certainly it's not a place where you have underground parking.

Mr Sola: Maybe for boats. Also, with regard to your studies, what sort of building did they recommend?

Ms Murray: Oh, very strict. That's something I'm very glad you brought up. The Toronto Islands currently have the toughest zoning of any community in Ontario. It was worked out with the city of Toronto. The city of Toronto

planners told us that it was absolutely the toughest zoning, and there was no one happier than the Toronto islanders. There are very strict guidelines being put together about the size, the bulk—you know, whether you can protect each other's sun rights and air rights. The community wants small houses. It's not great, really. Our house is 750 square feet. Our 18-year-old son can actually not stand up full height in his room. There are a lot of inconveniences. You have to really like the community to live like that. I wish Mr Stockwell was here.

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Mr Mammoliti: Where is he?

Ms Murray: Yes, where is he? I was very prepared for him. The community wants small houses. It's interesting, because people have been talking, and there are some people who are professional and some are not. To me, that's what makes the island special.

When that clubhouse burned down, my husband, who's an architect—he doesn't carry a briefcase, but he has a leather drawing bag—gave six weeks of our office time to producing drawings for that building with Jerry Englar, who's a landscape architect. The engineer gave his time. There was a small fee to cover his insurance, but he didn't charge for any of his time.

It's because there are some people like that in the community, who give phenomenal amounts of their time and their professional time for free, that this community works. When you go to buy a house on the Toronto Islands, you can't tell who they are. We have two lawyers, one doctor and I think we have about three or four architects now. You don't know who the mother on welfare is, or the couple struggling to get by or the artist or the teacher or the architect, because all the houses are under 1,000 square feet. There are no cars parked in the garage. There's something about living in that kind of community that gives a lot of equal feeling.

Mr Mammoliti: In terms of community, you talked about community and how you have some professional people among you and how they're willing to do the work that's necessary to improve the structures, to improve the life of the community. That's what co-op is all about and that's what this plan is all about. This comment is coming right from my heart. That's why the Conservatives and the Liberals don't necessarily agree with this. They believe that we should be paying enormous bucks to enormous contractors so that they can make a healthy little profit on all this. That's probably why they don't agree, and I like it because of that reason. People working together, improving the community and getting to know each other, that's what it's all about.

Ms Murray: It's a real community.

Mr Eddy: Mr Chair, on a point of correction, I guess: Before statements like the previous one are made, I think we should check Hansard to see how the various parties voted on the matter in the House.

The Chair: Maybe you could remind us.

Mr Eddy: The Liberal caucus did not vote against it.

Mr Mammoliti: I want to see how you vote in the Legislature.

Mr Eddy: I'm talking about the Legislature.

CHERYL WEST

The Chair: The next presentation will be from Cheryl West. Cheryl? Good morning. You have 15 minutes allocated to you for your presentation.

Ms Cheryl West: As stated, my name is Cheryl West. I live on Ward's Island with my children, Carey and Kyle. My reason for coming before you today is to assist the conscience of those of you on this committee who may have doubts about why this legislation should be passed. I'd like to specifically address those of you who feel that you are passing a piece of prime real estate over to a few lucky people with little or no regard for the needs of the greater community. I wish they were here. I will grant you that we are too few in number, as the population of islanders has been diminished over the last few decades at the will of various governments.

My point today is that you should not be strictly looking at the dollars and cents of this legislation, but rather at the common sense that will turn into long-term savings and credits to this province, as it may serve as a community prototype. Our existing community is composed of a cross-section of people found in most Ontario communities. We do have work to do in opening opportunities to people of visible minorities.

I am here to speak to you about the portion of our community who are single parents. We are teachers, musicians, artists, university professors, early childhood educators, carpenters, women who work solely in our homes, nurses, secretaries, women looking for employment and seamstresses.

This mixed group of parents—mostly women, but some men—have one thing in common: We are able to benefit from a community that is very rich: rich in our caring for each other in a way that may be quite unique. We share in the care of our children in ways that provide people like myself with a peace of mind beyond value of prime real estate.

I'm an early childhood educator. In my field, we talk about partnerships in raising children. In fact, a good deal of tax dollars are spent creating and facilitating the partnerships for child care in communities. We might all be able to take a lesson from the island community about what such partnerships really mean.

In a very holistic and natural way, these partnerships exist for all parents on Toronto Islands, but never are they more meaningful than for those of us who are single parents. We share in the care of each other's children, we share our family holiday celebrations and we share company. Sometimes we may be stressed or lonely, but we are rarely alone, because usually there is someone who will listen to us and often guide our thoughts to solutions of our difficulties and out of despair. These things have no price, but a great deal of value.

Over the last four years, as members of a mother-led family, my children have benefited from the richness of this community. They have participated in artistic events

such as the annual theatre group entry to Caribana; they have received music lessons from local artists; they have been encouraged in and escorted to and from off-island activities by members of two-parent households.

Last year my son was given a bicycle by an islander, and the teenage son of another island friend has offered to train him in cycling as a sport. On the occasions when I must work late, my after-school care giver offers to feed my son dinner and make sure he does his homework. These are priceless benefits to my family.

On the other hand, I can recite countless occasions when my family has participated on the giving end to others in the community, and this is where I believe my children will benefit and have benefited the most from our island neighbours. They are learning in a very real way to take care of themselves and others around them.

I wish to continue to live within this community. Being a single parent in a field that is low-paid and possibly headed for wage rollbacks, I was very concerned when lease prices were being determined, perhaps out of my means. I understand that the provisions outlined in this legislation were created to benefit as many people as possible and that the underlying principle Richard Johnston followed was to save this community.

I am again, in this concern, not alone. For those of us who have limited or shrinking incomes without pensions, the idea of affording a lease and bringing our homes up to standard is impossible or at least risky. As female single parents, we are already at great risk of being under the poverty line after age 65, if not before. You can imagine the relief I felt when I read about the option of being members of an island co-op that would permit us to continue to live within our community and perhaps to broaden its diversity and resources with others. I believe the co-op will offer families like mine the security of a promising lifestyle in an ever-changing world.

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The benefits of including co-op housing in this legislation offer our community many opportunities to grow and sustain itself in ways that preserve our community values through diversity of class. A co-op also opens possibilities for new and different cultural experiences. The co-op will also provide security for single parents and others as we become elder citizens. Surely many of us may wish to stay in our beloved homes on fixed incomes, and it offers our young adults opportunities to continue to live outside their parents' homes while providing new leadership for the community they know and love.

I see the co-op as essential to maintaining the correct mix of people in the community while adding others. Without it, the community might surely become one for only the rich in dollars.

I want to tell you something that happened to my family just last week. My daughter, Carey, is almost 17. She was just this Friday offered an opportunity to attend a conference near Nairobi, Kenya, with an organization called Street Kids International. This organization helps homeless children develop life skills and job skills to be able to improve their quality of life. She has been invited on the

strength of her work with this group and her enthusiasm to assist developing communities.

At first consideration, the opportunity was not plausible due to our financial circumstances. Even with the available scholarship offered by the sponsoring group, it is beyond our limits. But in sharing my pride at her invitation to this conference, overnight our neighbours started to contribute money to the possibility of this happening, and now this is a real goal for her. Carey was born with an enthusiasm for caring and sharing on the Toronto Islands 17 years ago, and I believe her commitment for contributing to the welfare of other people in the world is largely a credit to her community.

So I will end by telling you that I do feel like a very wealthy person. I am one of the richest people in this province, not because my house sits on prime real estate but because my neighbours care about me and my children in a very real way. That is why Bill 61 saves a community of value beyond its own geographic borders and residents. In fact, the value of this bill is limitless and will be of benefit to all of us in the province and perhaps beyond. Thank you.

The Chair: Thank you. Questions? Mr Mammoliti.

Mr Mammoliti: That was very, very good. I think you've certainly gotten the message across to everybody on this committee.

Just before you started, I read an article in today's Star that talks about a landlord hiring George Chuvalo, who's an ex-boxer, to evict tenants, allegedly kicking tenants out of their apartments and hanging around the lobby and the hallways, allegedly threatening tenants to leave. I see your case and the case of the islanders as very similar. I see that governments over the last few years have acted in the way George Chuvalo is alleged to have acted in this particular case: wanting to basically punch all of you out, perhaps, and kick you off the island.

All of you, of course, have fought back and have talked some sense into politicians, some of whom have listened and some who have yet to listen. I note in the article that Mr Turnbull is going up to bat for the tenants in this particular high-rise. If he were here, I would certainly commend him for that. I would also ask him to look at the similarities between the two: the islanders and this particular case. Would you agree that once this piece of legislation goes through, it can be put to rest and you can now live a normal life on the island?

Ms West: That's my hope.

The Chair: Further questions or comments? Mr Farnan.

Mr Mike Farnan (Cambridge): With all due respect to Mr Chuvalo, I think his comments in today's Star are very indicative that he did not endorse pressuring of tenants. I think they should be read into the record. Mr Chuvalo, who is a former Canadian heavyweight boxing champion, did say:

"'This whole thing is a joke. I'm sick about it. Marvin's wasting his time,' Chuvalo said last night. 'They don't have to move out. It's a distasteful thing in the first place' to try to pressure tenants to leave."

I'm sure my good friend and colleague Mr Mammoliti would want to distance himself or remove from the record any remarks—I know you did use the word "alleged," but I think Mr Chuvalo's comments are very clear, and you'd want to rectify the record.

The Chair: Further questions for Ms West? No? Thank you very much for coming this morning.

MORRIS HILL

The Chair: The next presentation is Morris Hill. Good morning, Mr Hill. The committee has allocated you 15 minutes for your presentation. You may commence.

Mr Morris Hill: Thank you very much. I'd like to introduce myself. My name is Morris Hill. I'm a Toronto Island resident. I'm also a member of the Toronto Island Residents Association executive. It's going to take me a minute to recover from the last presentation. It digs right at the heart.

I'm sure you've all, over the last few days, heard enough information on the islands to last a lifetime, so if you can bear with me for another 10 or 15 minutes, I'll

give you some more.

I'm actually here to respond to the city of Toronto's deputations recently presented by Dennis Perlin, I think, city solicitor. I'm specifically responding to the claim they have for recoverable expenses to March 31, 1993. Before I get into the details of the response to the certain areas I'd like to deal with, I'd like to touch on some of the long-held island principles the community has developed to help to find a solution to the long-term future of the community.

I think from time to time some of our speakers have touched on this. There are 13 principles the community has developed over the years, and I'd like to bring three of them back to the table to remind people, because I think they do deal in an abstract way with responding to the city's claims on some of the funds it would like to recover.

The first principle we've held—I'll read it verbatim: "The city is to be made whole for reasonable and proper expenses." The island community has never denied that the city has suffered an unnecessary financial burden because of Bill 191, and always has said that it should be paid back for whatever reasonable and proper expense it's incurred. That is an island principle.

The second one I'd like to touch on is number 5, "a fair land lease." That principle speaks for itself, but it also includes in there the repayment to the city as per the

above-stated principle.

The last principle I'd like to touch on is number 9,

which is "no windfall profits."

The whole idea of all these principles is that we want to save our community, not make profits. When you look at Bill 61 and you consider the resale restrictions imposed, it will be impossible for anyone on the island to benefit from another real estate price frenzy as seen in the late 1980s and the result will be what we're looking for, long-term affordable housing. Believe me, under this bill no one's going to leave the island with a nest-egg.

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As previously mentioned, I'm here specifically to deal with the city's claim for recoverable expenditures, and I

want to specifically deal with the water and sewer installation and the interest on rent paid to Metro. The first topic I'd like to deal with is the water and sewer installation. I've broken it down two ways. The way I'd like to address it is that there are two arguments to look at this. One is the moral one, as I put it, and I break it down as to what is fair and what is unfair. The second part I'll deal with is the technical or policy side and dealing with what precedents the city might have dealt with or what policies might support or not support its claims.

In dealing with the moral issues, I think the easiest way to do that is to look at the claim from a third party, a non-partisan, an outsider. If you look at the self-interests, Metro, the city and the island all had self-interests here, so if you want to decide what's fair or unfair, you look at somebody who's not involved, a third party. There have been three major studies, if you like, done on this by independent people who seemingly have no vested interest. For the sake of this, I call them "devised," "defined" and "refined."

The first one is the devised, and that was when the Conservative government commissioned a study of inquiry into the Toronto Islands. They hired Barry Swadron. He was appointed by Tom Wells, who was the Conservative Minister of Intergovernmental Affairs, on August 1, 1980. His report was completed January 12, 1981. It's 575 pages long and it contains 33 recommendations. This is it. It's called Pressure Island. In that study, one of the things Swadron looked at was the sewer installation. I can recap some of the things that were mentioned by some of the people who talked to him in the hearings.

The problem with the sewers goes back as far as 1973, when Dr Moss, who was the medical officer of health of the city of Toronto, said on August 1, 1973, "The time has come for the installation of a community municipal sewage disposal system." He repeated that to John Sewell on November 28, 1978. So you can see that, well before Bill 191, the city of Toronto considered the existing sewage system on the island inadequate and felt that a proper sewage system should be installed.

During the hearings themselves to Mr Swadron, George Cook, the deputy commissioner of buildings and inspections for the city of Toronto, described the current sanitary conditions as intolerable. Douglas Doherty, deputy commissioner of public works for the city of Toronto, stated that if the community were to remain, the installation of a sewer system was a necessary expenditure. Also during those hearings, the legal representative for the city at the hearings—and this is in Mr Swadron's report—was quoted as saying,

"It will be no part of the city's position that the services that are required to be installed should the community remain could in any way be paid for by the residents who live on the island now or any that might be contemplated to move there should there be some sort of infilling or something of that sort."

This was during the Swadron commission. Now, out of the Swadron commission came 33 recommendations, and if you look at the recommendations, I think it is clearly pointed out that Mr Swadron certainly did agree that the sewage system had to be installed, and he also clearly points out who he believes should be responsible for the cost of that sewage system. If I can just read from his report, in a preamble to his recommendation he states:

"If and once it is decided to retain the residential community, efforts should immediately be directed to the sewer installation. The earliest completion date that can be hoped for is some time in late 1982. In keeping with general practices, the capital construction costs should be borne by the local municipality and connection costs from the lot line should be the responsibility of the individual householder. Operating costs of the system should be shared between the city and Metro according to an equitable formula relating to use."

That's the preamble. As I say, there were 33 recommendations. Number 24 was:

"I recommend that the contingent plans and proposals for the installation of a sanitary sewage system to service the residential community be immediately reviewed and refined as necessary, with a view to early construction and connection to the existing system on the Toronto Islands recently built and now operated by the municipality of Metropolitan Toronto.

"Capital construction costs should be borne by the city of Toronto from general tax revenues. Connection costs should be paid by the individual householder. Operating costs should be shared equitably between the municipality of Metropolitan Toronto and the city of Toronto according to usage."

I think it's quite clear that Commissioner Swadron feels that the capital cost of the sewer and water installation are the city's responsibility, and if you read all the recommendations in his report, you will see they bear a very strong resemblance to the resulting legislation. So including the sewer costs as a recommendation was not an exception to the rule. It's something that, with all the recommendations, became part of the resulting legislation.

Moving along, after the Swadron report and the bill was introduced, Bill 191 called for arbitration to settle any cost disputes that might arise. I say that tongue in cheek because we all know that Metro and the city were not too agreeable on what they felt the costs were.

The result of that meant hiring an arbitrator, and that arbitrator was Gordon Atlin. The arbitration took place in 1985. It took many months, many submissions and hundreds of thousands of dollars. Mr Atlin also dealt with the sewer issue, because the city argued during the arbitration that it wanted to levy the capital costs and sewer installation to the residents. In response to that, in his conclusions Mr Atlin, the arbitrator, said:

"It is clear that for all other sections of the city the provision of water mains and sewers has been a charge to the general tax rate. The installation of sewers has never previously been charged to the occupants of the houses being serviced. It seems strange to me that the city proposes to make this one exception to the general rule that the provision of sewers is a municipal responsibility, not to be charged to the individual household.

"It was indicated that where a new subdivision was being installed, the sewer might be charged as a local improvement, but the island community is a long-standing community and apparently is being treated differently from any other established community in the city."

That was my defined section.

Mr Stockwell: I gathered that.

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Mr Hill: The refined section takes us up to where we are now, when the new provincial government decided that it had to deal with the island issue and retained Richard Johnston.

Mr Stockwell: The impartial third party.

Mr Hill: That's right. He was appointed March 13 by David Cooke, Minister of Municipal Affairs. Mr Johnston's mandate was, in 60 days, to advise the provincial government as to "the fairest way to ensure the preservation of a residential community on the Toronto Islands."

Of course, we have probably been dealing with Mr Johnston's report; I have it here. In his discussions regarding all the financial implications that have taken place over the last few years, Mr Johnston also dealt with the city as far as the sewer costs were concerned. If I could, I'd just like to deal with that and some of the excerpts that he has in his report. I can quote him here, page 30, "The final matter of cost to the city that is disputable is the 100% charge to the islanders for the installation of sewers and water that keeps cropping up in the city tally sheets." He goes on to quote Atlin, the quote I just gave you, saying that Atlin felt that this was unfair and unjust.

He does go on to say, however, that: "The city has also made other expenditures on behalf of the island community and other city residents should not pay an undue burden. Therefore, 50% of the costs of the sewer and water installation should be assumed by the city and 50% by the community as recognition of its somewhat nebulous status."

He concludes by saying: "I hope islanders will not see this as an undue hardship and that the city will see it for the generous gesture that it is. In future, all sewer installations and hookups should be arranged in the normal fashion."

This takes us back to the initial question of what's fair and what's unfair. While the Toronto Islands community supports the views of Swadron and Atlin, we also feel that Richard Johnston's report has fulfilled almost all the long-held principles of the island community. In that context, we feel that he has devised a fair land lease and at the same time treated the city and the island community in a fair manner with respect to reimbursing the city for reasonable and proper expense of sewer and water installation.

With all that good stuff aside, there is the technical side of, I suppose, policy such as that. One of the interesting facts that I was able to research and find was the sewer policy of the Ontario Ministry of the Environment, up to and including April 1985, which states:

"Communities of 7,500 people or less require provincial and/or federal grants to carry out sewer projects to replace existing septic sanitary systems. Therefore, the Ministry of the Environment's policy is to limit the home owners' cost to 25% of the capital cost or approximately \$1,400."

I have here, if anyone's interested, an example in Durham region, in the town of Sunderland, where they did provide 75% of the sewer installation cost, the capital cost.

The city of Toronto: In 1967 the policy changed so that sewers were paid for out of the capital program, which draws its funds from general tax revenue or sewer impost. The sewer impost requires developers who build on already existing public roads to pay a charge of 50 cents per square foot of building floor space. All buildings under 3,300 square feet and all single-family or duplex houses are exempt from this charge. Developers are required to pay all the costs of sewers for a new subdivision.

Since the island community was already in existence and consisted of single-family dwellings on open public streets at the time of the sewer construction, it should not have been charged for its sewers the way a new subdivision is. That's our response to the city and its claim for the entire sewer charges as well as debenture interest, which totals \$4 million.

Very quickly, the next thing I'd like to respond to is the city's claim for interest on total operating expenditures. I think it should be explained that most of this is called imputed interest. Imputed interest is a claim for the moneys it could have earned had it had it in a bank or some other source. Normal interest charges, as most of us know, are charges for money that somebody has borrowed on credit and you get charged interest.

Our dispute with the claim lies in the fact that while we've never denied the city is out of pocket, we have also, with it as partners, been trying for the last 11 years to have Bill 191 changed. I'd like to take the opportunity to give you some evidence supporting our response in this matter.

Bill 191 was proclaimed on December 18, 1981. In April 1982, four months later, city council adopted the following resolution: "That the city of Toronto and the Toronto Island Residents Association jointly request the province to amend Bill 191 to ensure that no rent is payable on island structures by either party." That's four months after the bill was proclaimed. There were already indications of problems.

That's it?

The Chair: We're pretty close.

Mr Stockwell: Just a small, small question.

The Chair: No, really we're out of time, unless the committee wishes to grant you unanimous consent for a question.

Mr Stockwell: It's up for unanimous consent. I just want to ask about where that trust fund was that you were apparently paying your rent to for 10 years. What happened to it?

Mr Hill: I have an answer for that. In September 1982, city council decided the sewer costs would be collected as rent from islanders. At the same time, city legal tells council, "No interim rent can be collected prior to signing of leases." On February 14, 1986, a letter was sent from the Toronto Islands residential community—this was after arbitration; the city hadn't paid any money till the arbitrator made his final decision. Right after the arbitration, the Toronto Island Residents Association sent a letter to the

mayor of the city of Toronto asking that we pay an interim rent. The mayor responded on March 10, "The city solicitor has advised me that no payments can be accepted by the city until valid leases have been entered into with individual occupants." He also says, "I continue to support your efforts to obtain amendments to the Metro act which will return ownership of island homes and provide for a fair agreement."

The island community did try to establish—

Mr Stockwell: You said you were putting it in a trust fund. You said you were paying your rent to a trust fund for the 10 years. Where's the rent? Where's the trust fund? Where's the money?

Mr Hill: Respectfully, Mr Stockwell, can you prove that?

Mr Stockwell: That's what city council was told.

Mr Hill: I have done a lot of research, and I have never seen that in any notes.

Mr Stockwell: Then the mayor was a bald-faced liar; the mayor was a liar in suggesting that nobody told her that.

Mr Hill: What can I say? I have no research that shows that.

The Chair: Thank you, Mr Hill.

Before the next presentation, the clerk is distributing the government's amendments to the bill that many members may want to consider.

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GORDON CRESSY

The Chair: Mr Gordon Cressy is the next presenter.

Mr Gordon Cressy: My name is Gordon Cressy. I'm here as a private citizen. I'm speaking in favour of the bill. I'd like to give a little background to myself in that context.

I'm not an islander. I visit the islands very rarely. However, the issue has been a large part of my life for 25 years. I was on the school board in the 1960s and 1970s and chaired the Toronto board when there was a lot of discussion about students at the island school and students from the city of Toronto attending. I was on city and Metro council in the 1970s and 1980s when there was a great deal of discussion, and since then I've been an interested observer.

The amount of time, energy and cost that has gone into the debate is probably larger than anything that is being discussed at the moment. We have consumed thousands and thousands of hours of people's time and money trying to resolve an issue.

When I first arrived on the scene, the recommendation was to bulldoze the area, get rid of it. That seems to have changed. The islanders will be with us always. So the issue is: What is in front of us? Is it an innovative solution? Is it pioneering legislation for a pioneering community? Does it provide stability for the moment and for the long term? I believe it does, and I guess that's what I want to speak to.

First, let me give an example in a similar light that I was involved with. For a number of years, I was president of the National Council of the YMCAs of Canada. It has a very large tract of land known as Geneva Park on Lake

Couchiching. Many of you have been there for conferences. It's a lovely conference centre, and it's quite inexpensive. That's why the government's used it.

There are some cottages there that have been there for many years. In the late 1960s, the Ys decided, to make more money, that they should bulldoze the cottages and put up more permanent buildings. The cottagers were upset. They'd been there since the turn of the century. A task force was established. In the end, the judgement was made that the cottagers should stay because they provided a sense of tradition and support to the larger community. It worked out; it works out to this day.

The idea of bulldozing history should go on the scrap heap of history. Rather, we should look at things that enhance a community and provide support for those coming to a community as well as those who live there.

My view of this bill is that it is fair and balanced, and provides the appropriate checks and balances. There are no windfall profits to be made by anybody. The cornerstone of it, in my mind, is the Toronto Islands community trust. If there's a weakness in the bill, it is that it is not spelled out clearly enough. It leaves the power with the Lieutenant Governor in Council. It doesn't set terms of appointments—people could be there for ever—and it doesn't set numbers: the representation from the island and government. I know it's alluded to, but I think that needs to be more precise, because this is not an act for this year; it's an act for the next 90 years. In that sense, you're building for the future, not for the past.

I was one who lived in a community called Donvale for a good chunk of my life. In the late 1960s, there was a concern that that area was going to be bulldozed, as happened just to the west of us for an area called St Jamestown, where all the houses were taken down and high-rise buildings occurred. The fight was to save that area for the working class. The area was served. The working class doesn't live there in the 1990s. So despite the best intentions, the result didn't come through.

The issue here is to deliver on the result, and my sense is that that's what the Toronto Island community trust is all about. I am one, like many citizens in our city, who has come, on balance, to believe that this is good legislation that provides a sense of stability in a community, that enhances not just the community that's there but enhances the community that visits it. It provides for safety and security, in that sense.

It's something the people of Metro have always wanted, and it puts this behind us. I think something that puts this behind us and gets us on is worth doing. Otherwise, what will occur is what has occurred for 25 years: The debates will rage once again at city hall, at Metro council, at the provincial Legislature and at the school boards. Is it worth it? My sense is that we've got the best we're going to get, and it is in that regard that I'm here today to support it. That's all I have to say.

The Chair: I'm sure we must have some questions.

Mr Cressy: I'd be happy for none. People want lunch.

Mr Grandmaître: Just a short question. You worry about the future of the islands, and I think we should set

the record straight. This party believes the same way you do, and that's why this piece of legislation, Bill 61, isn't clear enough. Too many things are left to the minister, to the ministry, to resolve. I think you're absolutely right. This is the beginning of a 25- or 35-year war. I'm not kidding. With the future development of the island exempt from the Planning Act—I keep repeating myself, but I will continue to repeat myself—this is only the start of another cold war.

Mr Cressy: I don't believe that's what I said.

The Chair: This is politics; it's okay.

Mr Cressy: I've been around politics: I tried to lead the Yes committee. I learned.

Mr Grandmaître: But you're worried that the bill isn't clear. I agree with you that the bill isn't clear enough. Isn't that what you said?

Mr Cressy: The only piece that I believe deserves clarity is around the board on the Toronto Islands community trust. That's the only issue I raise, and I don't think that's very hard to do.

Mr Grandmaître: Well, that's the bill. That's the future of the islands.

Mr Stockwell: Just a quick question. I honestly never thought I'd see the day when I would be sitting in a room with you, where you'd be advocating support of a bill that exempts a development and a parcel of property from the basic tenet of the Planning Act. In essence, this is what this bill does. It exempts this property and future development on these properties from zoning, official plan amendments, the Planning Act etc. I know how dear you hold these specific pieces of legislation, and I ask you, do you think it's a responsible action for a government to take to exclude any development, let alone specifically this development, from the Planning Act?

Mr Cressy: My answer would be in two parts. The context you put this in is that there's going to be massive development. I don't see that—

Mr Stockwell: Who can tell?

Mr Cressy: Yes, but there's an upper limit to it, as you're aware. Exemptions are rarely done, and they have to be done in the context of something that makes sense, which to me is the greater good of the community. It is in that sense that in reviewing this, quite seriously, I don't see that problem you raise.

Mr Stockwell: Obviously legislation could change, future governments, future owners on the island etc. There's no doubt that 99 years is a very long time.

Mr Cressy: You and I won't be here.

Mr Stockwell: Exactly. In 45 years or 52 years or 27 years, a different government could come forward and say: "Gee, since we're not applicable to the Planning Act, we can pretty much do as we please there. We don't need any authorization. We don't need any public hearings. We don't even need to be taking it to the Ontario Municipal Board if we choose to develop this property."

Can't you see the inherent difficulties and dilemmas that the islanders could be faced with, let alone the greater good of Torontonians who just simply want to go to the island as recreation? I just can't believe that you and others can't see that as being a very tight rope to cross. I just can't understand why you don't think that could be a problem, depending on what government is in in the future and what legislation.

Maybe it's not a question; maybe it's a statement and maybe it's a response I'm looking for. Having said that, can't you see the difficulty you face when you exempt them from this?

Mr Cressy: I've been around this a long time. You've been around it probably half as long. I believe this leads to stability. I really, fundamentally, do. Others don't. But I've got to tell you, I don't think a future government of any party—certainly to the best of my knowledge, everybody's who has ever represented that area, of all three parties, has supported stability for the islands. I worked with Larry Grossman when he worked down there. The only people who won down there one year for the city were the Hummer Sisters. They won the islands. I don't know that they've had a lot to do since then.

But the simple point is that people are going to think very carefully before making any kind of fundamental change once this is enacted, I really think of any party. You're not going to screw around with something that has been fought as hard as this one has. Fifty years from now when you and I aren't here, I don't know, but I think this points a very good direction. That's why I think the island community trust is the centrestone of making it work.

Mr Stockwell: Well, we disagree. That's about it.

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Ms Swarbrick: Gordon, we've also heard some comments from colleagues at this table and from the odd deputant, such as city Councillor Tony O'Donohue yesterday, referring to this as a sweetheart deal. Councillor O'Donohue made references to appraisals that were done by real estate companies over the last number of years that appraised the land on Ward's Island at \$79,000 and on Algonquin Island at \$116,000 per lot. Could you give your comments please as to why you believe this is not a sweetheart deal?

Mr Cressy: I guess that's the one that of all the troubles that have emerged since the bill has been talked to the most. Appraisals are a very fluid thing. What it would be today wasn't what it was three years ago and wasn't what it was 10 years ago.

I guess my view has always been one of the value and the hardships. I am one whose parents—my father used to summer on the island when the island was a different place than it is today. I am one who views this as fair. It makes some sense and gets things moving. The kinds of questions before of trust, money in and money out—let's get on with it.

The differential, if you take Alderman O'Donohue's multiplied by everybody, is not all that significant, but I don't agree that the assessment now, I suspect, is very close to what we have in front of us, if you went and did it in 1993. As for market value assessments, this whole game is very fluid. I don't think there are any guarantees in life. I

think you have an amount there that works. Let's get on with it. That would be my view.

Ms Swarbrick: Are you also familiar with the fact that of course the details of this bill mean that this land isn't fair to compare to a market value assessment?

Mr Cressy: Absolutely.

Ms Swarbrick: Because there are clear restrictions with regard to the amount of equity that people will be able to get out of the deal afterwards.

Mr Cressy: Yes, I well understand that.

Mr Farnan: Mine is just a brief comment. I appreciate very much the brevity and succinctness of your presentation. I believe that you have captured the reality, and coming from someone such as yourself, who has spent so long with this issue, the reality is that failure to come to terms with the issue means that we continue a process of conflict, ongoing debate and continuous rehashing of an issue.

I think what we have here may not, as you have suggested, be the perfect solution, but it is as close as we're going to get. I do believe wholeheartedly with you that there is room for fine-tuning, but I would venture to say that once we have taken this giant step forward and reconciled the differences of the past, it would be a foolhardy issue for any political party to reopen.

I thank you very much for your presentation.

The Chair: Is there a response to that, Mr Cressy?

Mr Cressy: I would have said vote yes if it was a few months ago. I think it's a moment in time that shouldn't pass. Something that drags on too long becomes a drag. This has become a drag. It's time to put it behind us.

The Chair: Thank you, Mr Cressy.

Before I call the next presentation, I think the committee should thank the clerk and her staff for doing just an astounding job of rescheduling, given the fact of Monday. I should also thank the presenters, who managed to rearrange their schedules to meet our rather strange and often changing schedules.

LINDSAY STEPHENS

The Chair: The last witness I will call is Lindsay Stephens. Thank you for coming, Ms Stephens. You have been allocated 15 minutes by the committee.

Ms Lindsay Stephens: Great; thank you. My name is Lindsay Stephens. I've lived on the island for 11 years. I started going to school there when I was two, three years before we moved there.

Just before I begin, I'd like to say that Carey West, Cheryl's daughter, is one of my dearest friends and has been for many years. I volunteer with her at Street Kids. I can't go on the Kenya trip, but I'm going to be fund-raising with her. I think it's a mark of our faith in the community that we've grown up in that even though we know a lot of people can't afford to give money, the community will do everything it can to send her there.

Today I'd like to read a letter that was written by Luise Schoenborn, who is a senior on the island. She's lived there for over 40 years and she's been intensely involved in the island's political history. She can't be with us today

because her husband's ill but she asked me to pass this letter on to you. She says:

"If my husband had not discovered in the very last minute that there was a Toronto Island, our whole family would not have been able to emigrate to Canada. He came to Canada in 1951, before the rest of us, to see if he could find a job.

"He did find a job, but he could not find a home. Nobody in the city would rent at a price that was affordable for a family of five. He sent us a telegram that said, 'Do not come here—I will return.'

"Fortunately, a few days later, he heard from another immigrant about affordable housing on the island. The very next day, my husband found a place for us there.

"In 1951, many people lived on Toronto Island, from Hanlan's Point all the way to Ward's. The beaches and lagoons were open to an appreciative public. Little supermarkets existed on three islands. Main Street and Manitou Road on Centre Island offered a great variety of stores. When we arrived on a warm August evening, we encountered many friendly people enjoying this wonderful place. During the summer, many city dwellers rented rooms and small apartments from islanders or stayed in one of the three hotels. There was a theatre and every year islanders wrote and mounted a play about island life called the Ferry Boat Follies. Having escaped from war-torn Europe, we felt more than fortunate about the happiness we found on the island.

"In those days, my husband's weekly salary was \$35. We had to make ends meet and so did not pay much attention to island politics. However, one morning we were shocked by bulldozers on the Hanlan's Point beach. They were removing all the bushes and grass to create a smooth beach. We had grown up learning that beaches needed such plants to be protected from erosion. The very next day, a strong wind blew the sand on to the road and blocked it. Work crews were required to clear the road. Another shock came when bulldozers arrived on Centre Island to tear down those beautiful houses with their colourful gardens.

"We knew by then that the city of Toronto had given the island to Metropolitan Toronto for \$1 so that it could create a park. But we could not understand why homes needed to be destroyed in order to do so. It was a terrible thing.

"Hans Blumenfeld was Toronto city planner in 1955. In his book, Life Begins at 65, he wrote the following:

"The city of Toronto had found it burdensome to service the homes on the islands, and had transferred them to Metro for use as a park.

"'I felt that this use was completely compatible with continuing residential use. In fact, the presence of homes, gardens, stores, restaurants and people added to the attraction, in addition to giving support to the ferries and other services which were required by the park users.... I wrote a report recommending the maintenance and strengthening of the residential use, together with park development.

"'Tom Thompson, the parks commissioner...agreed that the houses were an asset more than a liability. However, when my report came before the board, Gardiner remarked

that it was counter to the policy pursued for several years, and asked the parks commissioner if he did not prefer to have the entire area for park development. Thompson answered in the affirmative. I felt betrayed.'

"Thus the destruction of the houses went ahead. The owners of our house on Hanlan's Point were elderly people. They had built this house with their own hands and were heartbroken in spite of the small compensation they received. Now we had to find another home and we could still not afford the high rents in the city. When we learned that houses on Ward's and Algonquin had leases until 1968, we rented there. In 1957, we bought our home on Algonquin.

"The Inter-Island Council fought hard to prevent the destruction of the remaining homes. I personally began to attend every meeting of Metro parks and Metro council that concerned the island. By 1965, it was obvious that Metro was determined to destroy the community.

"In 1967, I asked Mr Andrew Brewin, a member of Parliament, to speak on behalf of islanders before Metro council. Although he thought the creation of a park was a good idea, he was willing to spend the time and visit the island. This visit convinced him how terrible and wasteful it would be to tear down more houses. His presentation to Metro parks committee won over the one more vote we needed to win a 20-month extension to our leases.

"I believe that this short extension saved our community from certain, complete destruction. During this time, citizens' groups were forming in the city and joining us in the struggle for our homes. City councils under mayors Crombie and Sewell did everything possible for us. You are probably familiar with the positive approach and the thorough work of the Swadron commission.

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"During the years from 1981 to 1990, Metro Toronto acknowledged our lease extension to 2005, but took over the ownership of our homes. The city of Toronto would pay rent on our behalf, which would then be charged to islanders. The plan was for us to pay rent for homes we had bought or built, keep them up to standard and to pay the property taxes. Nothing was achieved to change this situation during those years. Many of us were terribly frightened of what the future might hold.

"I wrote this whole little history of the island to show how hopeless we felt, especially those of us who had tried everything we could to save the community. Therefore, when Mr Richard Johnston undertook to study this seemingly hopeless situation and then published his report, we were nearly overwhelmed by what a comprehensive achievement this was. I remember how I and my family were nearly touched to tears. The question that remained was, would this masterly report be backed by the provincial government? And yes, indeed it is.

"I realize that we face problems in trying to implement Bill 61. Those of us with limited financial means, but willing to go to any length to stay in our homes, which have truly been our homes for decades, will have to come up with the money for the 99-year lease. We would hardly be able to pay much more than what the Johnston report outlines.

"But the main purpose of my presentation is not to discuss the details of Bill 61. It is to say a heartfelt thank

you to Mr Richard Johnston and to the Ontario government for a plan which proposes a rational and fair solution to a problem which municipal and provincial governments had failed to solve for over 30 years. Difficulties with small details should not be permitted to overshadow the soundness of the Johnston report proposals. Legislative steps to preserve the island community are long overdue. The Johnston report makes them possible."

I sincerely hope that the presentations you've seen have given you a taste of what it's like to live on the island and an idea of how important Bill 61 is to the survival of this wonderful community. Thank you for your time.

Mr Farnan: Again, this is in the form of a comment, and it speaks to something that you said, I think very significantly, that the report and the concept and the direction are sound. I understand the role of opposition because I've been an opposition member, and the role is to oppose, but sometimes it's to refine. It would be nice if we could hear from the opposition, rather than making a monumental issue out of a particular aspect that they disagree with and there are some details that opposition members do disagree with, and legitimately so, from their perspective—to recognize the value of the achievement of what is contained in this legislation, the basis of the work done by our former colleague and friend Richard Johnston, and to put forward their opposition in a rational manner which recognizes the substance of the legislation but says, "Here are some things that we would like to look at."

That, to me, would be a reasonable approach and a much more constructive approach and would lead to perhaps a collegiality in which we might be able to work something out in terms of the final wording.

I'm certainly very proud, and I think the government's very proud, and I appreciate the good direction you gave us with your last comments. It was right on the money.

Ms Stephens: I appreciate the comment. I think that's why the presentations that have been given have focused more broadly on what the community is and what, as a whole, we're trying to maintain and establish here, and how we feel the Johnston report does this.

Mr Marchese: Lindsay, I want to thank you for coming and for making a very effective presentation.

Mr Sola: I would also like to commend you on your presentation and say that it's encouraging to see somebody so young taking an active part in the political process. I wish my daughters would sort of take you as a role model, because I've been trying to get them to show greater interest in what's going on around them. At the same time, it's a little bit disconcerting when I hear you reading about 1951, because that's the year I came to Canada as well, and I've certainly changed over the years. When you read it in the first person, it makes me realize how much time has passed since 1951.

I just wanted to commend you for showing this interest and at the same time I'd like to make a remark to my friend and colleague from the other side. I just wish he would have listened to his own advice when he was in the opposition.

Mr Farnan: Wisdom comes with age.

Mr Stockwell: You must be the smartest guy in the room.

The Chair: Further questions or comments? Thank you very much for appearing today.

The committee will reconvene at 2 o'clock to consider this bill clause by clause.

The committee recessed at 1246.

AFTERNOON SITTING

The committee resumed at 1410.

The Chair: The standing committee will come to order. This afternoon we are going to proceed through the clause-by-clause consideration of Bill 61. We will commence dealing with section 1. I'll give you a minute to have a look. Questions, comments, amendments to section 1? If not, shall section 1 carry? Carried.

Mr Stockwell: Opposed. I'm opposed to everything. Just make up a composite vote. I oppose it all.

The Chair: Questions, comments to section 2? Amendments? Questions, comments? Shall section 2 carry?

Mr Stockwell: Opposed. The Chair: Carried.

Mr Stockwell: Can we get votes on all these?

The Chair: You can request a vote.

Mr Stockwell: I want votes on all of them.

The Chair: Fine.

Mr Stockwell: I want to be recorded as voting against everything.

The Chair: We can have a recorded vote, Mr Stockwell, on every section as we go through. Section 3.

Mr Mills: I have an amendment, Mr Chair.

The Chair: Yes. I think we'll have to deal with the sections one by one. When we come to your amendment, then you can—

Mr Mills: Okay.

The Chair: Questions, comments, amendments on subsection 3(1)? Shall subsection 3(1) carry? Carried.

Subsection 3(2)? Carried. Subsection 3(3)? Carried.

Section 4: Questions, comments or amendments?

Mr Mills: I have an amendment, Mr Chair.

The Chair: Your amendment, actually, would appear after this section.

Mr Mills: Okay, sorry.

The Chair: Questions, comments? Yes, Mr Grandmaître?

Mr Grandmaître: I'm giving an amendment on the government motion on section 3.

The Chair: Section 3, the one dealing with Hydro properties, subsection (4.1)?

Mr Grandmaître: Yes.

The Chair: We will deal with this after. That's just a numbering method the legislative counsel uses to provide for a new section in the bill.

Mr Grandmaître: Okay.

The Chair: Questions, comments or amendments to subsection 3(4)? Carried.

Mr Mills has an amendment to subsection 3(4.1).

Mr Mills: Thank you very much, Mr Chair. I move that section 3 of the bill be amended by adding the following subsection:

"Hydro property

"(4.1) Despite subsection (3), all the title and interest acquired by the province of Ontario under subsection 2(1) in rights of way, property, plant and equipment reserved to, owned and operated by Toronto Hydro and located on the land described in the schedule is hereby deemed to be leased to Toronto Hydro for a period of 99 years."

By way of explanation, Mr Chair, this motion will protect Toronto Hydro's rights of way and property.

The Chair: Thank you. Are there further questions or comments on Mr Mills's amendment?

Mr Stockwell: What is that now numbered?

The Chair: It's (4.1). Carried? Carried.

Subsection 3(5)?

Mr Stockwell: Recorded vote.

The Chair: First, questions, comments or amendments to subsection 3(5)? Okay. We will have a recorded vote. All in favour?

Ayes

Harrington, Mammoliti, Marchese, Mills, Swarbrick.

The Chair: Opposed?

Nays

Grandmaître, Sola, Stockwell, Turnbull.

The Chair: The motion is carried. Subsection 3(6)?

Mr Stockwell: A recorded vote.

The Chair: Questions, comments, amendments? Mr Stockwell has asked for a recorded vote. All in favour?

Mr Mills: Just one moment.

Mr Stockwell: We are in the middle of a vote, Mr Chair.

Interjection: You already took a recorded vote.

Mr Stockwell: No, come on-

The Chair: Subsection 3(6): All in favour?

Ayes

Harrington, Mammoliti, Marchese, Mills, Swarbrick.

The Chair: Opposed?

Nays

Grandmaître, Sola, Stockwell, Turnbull.

The Chair: Subsection 3(7): Questions, comments, amendments? A recorded vote?

Mr Stockwell: Yes, okay. The Chair: All in favour?

Ayes

Harrington, Mammoliti, Marchese, Mills, Morrow, Swarbrick.

The Chair: Opposed?

Nays

Grandmaître, Sola, Stockwell, Turnbull.

Mr Eddy: Mr Chair, not having had the opportunity to know the issue thoroughly, may I save my vote till later?

The Chair: No, Mr Eddy, the rules require you to vote.

Mr Eddy: I vote against.

The Chair: Mr Eddy will be recorded as opposed.

Subsection 3(7) carries.

Subsection 3(8): Questions, comments or amendments? Shall subsection 3(8) carry? Carried.

Section 4: We have a government amendment. Mr Mills.

Mr Mills: I move that subsection 4(1) of the bill be struck out and the following substituted:

"Avenues leased to city

"(1) All the title and interest acquired by the province of Ontario under subsection 2(1) in the avenues and walkways on the land described in the schedule is hereby deemed to be leased to the city for a term of 99 years commencing on the day this act comes into force for the use by the public as a highway and those avenues and walkways are deemed to fall within the full jurisdiction of the city as public highways."

The explanation, Mr Chair, is that this motion will clarify the city of Toronto's rights and obligations over the avenues and the walkways.

The Chair: Further questions or comments on Mr Mills's amendment? Shall Mr Mills's amendment carry? Carried.

Subsection 4(2): Questions, comments or amendments? Shall subsection 4(2) carry? Carried.

Subsection 4(3): Questions, comments or amendments? Shall subsection 4(3) carry? Carried.

Subsection 4(4): We have an amendment. Mr Mills.

1420

Mr Mills: I move that subsection 4(4) of the bill be amended by striking out "sixty days" in the sixth line and substituting "six months."

By way of explanation, this motion will lengthen the time for the city of Toronto to move from the old firehall from 60 days to six months—more time. You must agree with that.

The Chair: Further questions or comments? Amendments to Mr Mills's amendment? Shall Mr Mills's amendment carry? Carried.

Questions, comments or amendments to subsection 4(5)?

Mr Mills: I have an amendment here.

The Chair: I'm sorry. Mr Mills has an amendment to subsection 4(5).

Mr Mills: I move that subsection 4(5) of the bill be amended by striking out "three" in the third line and substituting "five" and by striking out "third" in the fifth line and substituting "fifth."

By way of explanation, this motion will give the city of Toronto five years instead of three years to relocate the firehall.

The Chair: Questions, comments, further amendments? Shall subsection 4(5) carry? Carried.

Shall section 4, as amended, carry? Carried.

Subsection 5(1): Mr Mills has an amendment.

Mr Mills: I move that section 5 of the bill be amended by adding the following subsection:

"Ferry service costs

"(6) The city is not responsible for the payment of any costs related to the operation"—

Interjection.

Mr Mills: We're too soon.

Clerk Pro Tem (Ms Tonia Grannum): Yes.

The Chair: You'll have to excuse me.

Clerk Pro Tem: In the new packages, that one should be moved to later, after you've moved all the ones—so subsection 5(1), that amendment.

Mr Mills: Okay. I beg your pardon.

The Chair: I don't quite understand. I'm not sure the members do either.

Clerk Pro Tem: Yours is in the right order. Their package is in the right order.

Mr Mills: Mine was a little jumbled up. So we go to subsection 5(1).

Clerk Pro Tem: Because that's creating a subsection 5(6), which we'd have to do after.

The Chair: Oh, I see. I understand.

Mr Mills: I'm sorry. I had them wrong.

The Chair: Let's try it again, Mr Mills.

Mr Mills: Thank you very much, Mr Chair. I move that subsection 5(1) of the bill be struck out and the following substituted:

"Municipal services"—

Mr Stockwell: Dispense.

The Chair: No, it will have to be read in.

Mr Mills: I have to read it:

"(1) The Metropolitan corporation, the city and the Toronto Transit Commission shall maintain those municipal services for which they are responsible, including emergency services and bus and ferry services, to the level provided in the year 1992 in relation to the land described in the schedule.

"Change

"(1.1) If an increase or decrease occurs in the level of service provided by the Metropolitan corporation, the city or the Toronto Transit Commission, a similar change, appropriate in the circumstances, shall be made in the level of service offered in relation to the land described in the schedule."

In explanation, this motion clarifies that the level of island services referred to in the bill will be those which existed on the island in 1992. Should there be a change in service levels for the city, Metro or TTC, similar changes, either up or down, as appropriate, in these service levels will be made on the island.

Mr Stockwell: What does that mean?

Mr Mills: It means what I said.

Mr Stockwell: Okay.

A little more, Gord? For instance, no neighbourhood in all of Metropolitan Toronto has a guarantee of any service level—none whatsoever. For instance, my neighbourhood

has a bus that goes by once every hour or so, and that's the service level they're provided. There's no guarantee that in perpetuity they will have a bus that goes by every hour or so rather than a ferry that goes by every 10 minutes. So I guess the question is, does this then mean, regardless of decisions that are made or costs or impacts on the city of Metropolitan Toronto, they can never reduce service at all?

Mr Mills: Yes. No. That isn't the intent. Mr Stockwell: I'm glad I clarified that.

Mr Mills: Yes. This isn't the intent. This is to make things on the island the same as Etobicoke should the situation worsen.

Mr Stockwell: So if there's differences in service, they can be applicable too.

Mr Mills: Yes.

The Chair: Further questions or comments on Mr Mills's amendment? Shall Mr Mills's amendment to subsection 5(1) carry? Carried.

Subsection 5(2): Are there questions, comments or amendments to subsection 5(2)?

Mr Stockwell: Recorded.

The Chair: Mr Stockwell has requested a recorded vote. All those in favour of subsection 5(2) will signify.

Ayes

Harrington, Mammoliti, Marchese, Mills, Morrow, Swarbrick.

The Chair: Those opposed?

Nays

Sola, Stockwell, Turnbull.

Mr Mills: Can you be neutral?

Mr Grandmaître: Yes.

Mr Mills: Yes?

Mr Grandmaître: I just said so.

The Chair: It's required that members vote.

Mr Grandmaître: Well, I wanted to vote yes, but it's too late.

The Chair: No, you can be recorded as yes if that's what you wish.

Mr Grandmaître: Okay, yes.

The Chair: Mr Eddy may wish to be recorded as yes. The section is carried.

Subsection 5(3): Are there questions, comments or amendments to subsection 5(3)? Shall subsection 5(3) carry? Carried.

Subsection 5(4): Questions, comments or amendments to subsection 5(4)? Shall subsection 5(4) carry? Carried.

Subsection 5(5).

Mr Mills: Thank you very much, Mr Chair. I have an amendment. I move that subsection 5(5) of the bill be struck out and the following substituted:

"Limitation

"(5) Despite any other act, the city shall not, except as provided by subsection (3), levy a charge or attempt to collect any money in respect of the debt for the sewer

and water infrastructure existing on the day this act comes into force."

Mr Chair, this motion is a technical change so that the language in subsection 5(5) is exactly the same as in subsection 5(3). This means that the words "of the debt" in subsection 5(5) modify the words "sewer and water infrastructure."

The Chair: Questions, comments, further amendments?

Mr Mills: Strictly technical.

The Chair: Shall subsection 5(5), as amended by Mr Mills, carry? Carried.

Mr Mills, you have an amendment?

Mr Mills: Yes, Mr Chair, I have an amendment. I move that section 5 of the bill be amended by adding the following subsection:

"Ferry service costs

"(6) The city is not responsible for the payment of any costs related to the operation of the ferry service to the islands, including ice-breaking, after the day this act comes into force."

Mr Chairman, that motion will confirm that the city's obligation to contribute to Metro's ferry costs will come to an end with the passage of this bill.

The Chair: Questions, comments?

Mr Stockwell: The only comment I would make is that the city of Toronto entered into, in good faith, with Metropolitan Toronto to provide the payment for the services on a separate deal negotiated between Metropolitan Toronto and the city of Toronto. Considering the fact that they negotiated that deal and accepted the costs for performing this function, I don't know why you would go ahead and suggest that it's now no longer applicable or acceptable, considering the fact that the two parties entered into this agreement some 10 years ago, I think, fully aware of the costs and the ramifications.

Mr Mills: You're asking me? Well, it was imposed by the previous bill. It wasn't an agreement as you point out.

Mr Stockwell: It was only imposed with the agreement of the city of Toronto. They agreed to provide this payment for service. It seems logical to me, since they agreed to this—

Mr Mills: But I don't think they had much choice. 1430

Mr Stockwell: They were asked and they agreed to do it.

Mr Mills: I still don't think they have much choice.

Mr Stockwell: I guess Metro has no choice, then. They've got to provide the service and it costs the Metropolitan Toronto taxpayers. Regardless of what agreements took place in the past, it's going to be taxes burdening the Metropolitan Toronto taxpayer—case closed. They have to pay for it; no debate, no discussion.

Mr Mills: I've been advised by staff that the city has no longer any interest in the—

Mr Stockwell: I'm quite confident Metro has no interest, either. In fact, if you phoned Metro I'm quite

sure they'd say, "We have no interest in providing this service either."

Mr Mills: Metro operates the parks.Mr Stockwell: They operate the ferry.Mr Mills: They operate the parks as well.

Mr Stockwell: Well, I agree. Mr Mills: And the ferry.

Mr Stockwell: I agree. So now they're going to bear these costs for the 99 years, although it was agreed in the last legislation that the city of Toronto was going to pay. All parties agreed.

The Chair: Could I just ask a question of information? What would these costs amount to annually?

Mr Mills: One million dollars a year, about.

The Chair: Is that the net, after taking the fares into consideration?

Mr Mills: Yes.

Mr Stockwell: No—oh, sure. It's a deficit. The Chair: It's a million-dollar deficit.

Mr Stockwell: A million dollars. It's a considerable amount of money.

The Chair: Thank you.

Mr Turnbull: What is the portion of it that the city of Toronto would have to contribute to that million dollars?

Mr Stockwell: That is their portion? **Mr Turnbull:** That is their portion?

Mr Mills: That is theirs, yes.

Mr Turnbull: Okay. So in one fell swoop, under the guise of this bill, you're moving a million dollars from the city of Toronto to Metropolitan Toronto without any consultation with them.

Mr Mills: Well, I think there have been all kinds of discussions. Metro is aware of this. We haven't suddenly sort of swooped this on to them. They're aware.

Mr Turnbull: Have they agreed to it? Mr Mills: Yes. They're aware of it.

Mr Turnbull: I said, have they agreed to it? I didn't say whether they were aware of it.

Mr Mills: They didn't oppose it, so we must assume they agreed to it then. They didn't oppose it and they're getting money, so—

Mr Stockwell: They're getting money? I'm quite confident that they don't want to pay the million dollars.

Mr Mammoliti: Why don't you phone them and ask them?

Mr Mills: Well, why didn't they say so? They didn't say that.

Mr Turnbull: I think this clause should be stood down until we get some direction from Metropolitan Toronto.

Mr Mills: Let's put it to the vote.

Mr Stockwell: Couldn't you at least—
The Chair: Have you made a motion?
Mr Turnbull: Yes, I'll make such a motion.
Mr Stockwell: That seems reasonable.

The Chair: Mr Turnbull has moved that this clause be stood down. Maybe you should make it.

Mr Turnbull: Okay. I make a motion that this clause should be stood down until such time as we can consult with Metropolitan Toronto and the city of Toronto on this change.

Mr Mills: Before the vote's taken, Mr Chairman, I'd like to say that this is not a new clause; this has been asked for by the city.

Mr Stockwell: Asked for by the city of Toronto.

Mr Mills: Yes.

Mr Turnbull: I'll bet it has.

Mr Stockwell: Well, of course it has.

Mr Mills: For clarification—

Mr Stockwell: —a million dollars off to Metro.

Mr Mills: For clarification—

Mr Turnbull: I'm sure that the city of Toronto—

Mr Mills: It's not new.

The Chair: One at a time. We're having great difficulty with Hansard.

Mr Mills: It's not new.

The Chair: I'm sorry. I shouldn't have asked for a motion. It's a request and we need unanimous consent. Do we have unanimous consent to stand down—No.

Further discussion on subsection 5(6)?

Mr Stockwell: So can I get this clarified? There isn't even unanimous consent to ask for Metro's opinion as to whether or not it would like to incur an additional million dollars a year for the taxpayers for ice-breaking services that were previously provided by the city of Toronto?

Mr Mills: They've been aware of this from the very beginning. It's not a surprise. It hasn't been sprung on them.

Mr Stockwell: Okay, there's not unanimous consent. That's all I asked.

Mr Mills: They've been aware of it from day one.

Mr Stockwell: Okay. I just asked. **Mr Mills:** I'm just telling you.

The Chair: Further discussion on subsection 5(6)? Mr Marchese.

Mr Marchese: Mr Chair, I was distracted, as I was looking at other things, but it seems to me that it's Metro that has the responsibility for this transportation. A lot of people from all over Metro and beyond, obviously, go to the island, and in my view it's Metro's responsibility to provide that financial support.

Mr Stockwell: Although you're correct that a lot of people from Metropolitan Toronto do go to the island, I would caution you that you're arguing against yourself in a lot of respects in what you said to the committee when you suggested that during the winter, no one goes to the island except the island residents. You can't have your cake and eat it too. Either it's the island residents who use this ferry to go over to the islands in the winter—and as far as I know, that's the only time you've got to break ice: in the winter.

It would make it abundantly clear then that the costs are specific to the islanders. That's a million dollars of

taxpayers' money that Metropolitan Toronto wanted no part of, and 10 years ago it was transferred to the city of Toronto, which accepted responsibility. So with all due respect, yes, it's Metro parks' responsibility to provide the ferry service, and it does so willingly. But in the winter it's just the island residents, and the city of Toronto accepted responsibility. I don't think you can argue both sides of that equation.

Mr Marchese: Mr Chair, to refer back to whose responsibility it is, I argue that it's Metro's, and that service is not just to the islanders. There are many other things on the island that I believe ferries to be used for. It isn't just the people themselves.

Mr Stockwell: Name one.

Interjections.

Mr Marchese: Schools are one. The yacht club is another.

Mr Stockwell: The firehall and the school are there because there are islanders.

The Chair: Mr Marchese has the floor.

Mr Marchese: It's for many other purposes.

The Chair: Further questions or comments?

Shall Mr Mills's amendment to subsection 5(6) carry? Carried.

Shall section 5, as amended, carry?

Recorded vote. All in favour?

Ayes

Eddy, Grandmaître, Harrington, Mammoliti, Marchese, Mills, Morrow, Sola, Swarbrick.

The Chair: Opposed?

Navs

Stockwell, Turnbull.

The Chair: The motion is carried. Section 5, as amended, carries.

Subsections 6(1) and (2): Questions or comments?

Mr Mills: Are you looking for a "carried"?

The Chair: No, I'm looking for questions, comments or amendments. You had a question, Mr Stockwell?

Mr Stockwell: The remuneration will be set out in the regulations, and there's been no thought given to what we're considering in the way of remuneration.

Mr Mills: I've been advised by staff that it doesn't say that it's going to be in the regulations but will be determined by the Lieutenant Governor in Council.

Mr Stockwell: Has there been any thought given to what the remuneration will be to the commissioner? Has David Crombie applied? That's the other question.

Mr Mills: No. It's a cabinet decision, and it hasn't been made. Is he applying, David? We should latch on to him.

Mr Sola: In subsection 6(1), is there any idea of what the terms of the appointment are, the length of office and all those nice little details?

Mr Stockwell: How about 99 years? It seems to be a number you guys work with well.

Mr Mills: Mr Chairman, I agree with the levity, but maybe we should get an opinion from staff.

Mr Grandmaître: After 75 years, they get a pension.

The Chair: Would you identify yourself for the purpose of Hansard, please.

Ms Joanne Davies: My name is Joanne Davies, legal branch, Ministry of Municipal Affairs. The responsibilities of the commissioner are set out in the act. He has two specific functions: first, to recommend to the minister the entitlement of ownership of the homes. That is for a specific period of time: 60 days to apply, 60 days to make the determination; that's 120 days. The second function of the commissioner is to determine who is a protected occupant. The term of that responsibility is identical: 120 days. So the expectation will be that the appointment will be for the term of his responsibilities, which would be approximately 120 days.

Mr Sola: So four months. Thank you.

1440

Mr Grandmaître: With regard to subsection (2), due to the fact that there's no remuneration in the bill, it will have to be in the regulations, no?

Mr Mills: No. It will be determined by the Lieutenant Governor in Council; cabinet, in other words.

Mr Grandmaître: I know. I don't trust them, that's all.

Mr Mills: Now then, be positive. Mr Mammoliti: You can do that.

Mr Stockwell: This then is a four-month appointment?

Mr Mills: Roughly.

Mr Stockwell: And you're saying that with a straight face?

Mr Mills: Yes.

The Chair: Shall subsections 6(1) and (2) carry? Carried.

Section 7: Are there questions, comments or amendments to section 7 in its entirety?

Shall section 7 carry? Carried.

Section 8 in its entirety: Questions, comments or amendments?

Mr Stockwell: Just for clarification, to the parliamentary assistant: As I understand it, in the meantime, for this 120-day period, whoever is in the house will be there and have all rights and freedoms for that period of 120 days. If they're not shown to be properly tenanted, are they then subject to the Landlord and Tenant Act rules and regulations etc, to be removed or switched or changed or whatever if the owner chooses to move back in?

Mr Grandmaître: Do you mean after, Chris?

Mr Stockwell: Yes, after, if it's determined that they're not properly tenanted.

Mr Mills: I've been advised that they will be treated as protected occupants, and the regulations will set out the terms and how that will be carried out.

Mr Stockwell: So they would then become protected occupants and be put at the top of the list for the co-op.

Mr Mills: For other housing.

Mr Stockwell: And the proper owner would wait until that person has moved out before he can in fact take possession of the home.

Mr Mills: Yes.

Mr Stockwell: That whole process could take upwards of some number of years—we're fully aware of that—if there's any problem at all with building the co-op. I can't foresee it, but say there is.

Mr Mills: The draft regulations will provide for 30 months, so it won't go on for ever and ever.

Mr Stockwell: So two and a half years. What happens at that point? Does the person have to leave?

Mr Mills: If the regulations are not changed, yes, they're gone.

Mr Stockwell: They'll have to leave? That's interesting. There goes our unique community.

The Chair: Further questions and comments? Shall section 8 in its entirety carry? Carried.

Mr Stockwell: Can I get a recorded vote on 8?

The Chair: You missed it just slightly.

Mr Stockwell: I did, did I? I could have sworn this member was out of the room when we were taking a vote, and apparently she wasn't.

The Chair: Section 9 in its entirety: Are there questions, comments or amendments? I'll give you some time. There are 20 subsections.

Mr Stockwell: Great pieces of legislation take time, Mr Chair.

The Chair: Further questions, comments? Shall section 9 carry?

Mr Stockwell: Recorded vote.

The Chair: All in favour of section 9?

Ayes

Eddy, Grandmaître, Harrington, Mammoliti, Marchese, Mills, Morrow, Swarbrick.

The Chair: Those opposed?

Nays

Sola, Stockwell, Turnbull.

The Chair: Section 10: Are there questions, comments or amendments?

Mr Stockwell: To the parliamentary assistant for clarification on subsection 10(3): It says, "If a house is occupied by a protected occupant, the protected occupant is liable for all taxes during the period of his or her occupancy with respect to the house and the land and the notice of assessment and property tax bill shall be sent to the trust which shall bill the protected occupant and remit the amounts collected to the city."

I read that to suggest that the tax bill for the protected occupant goes to the trust, which sends it to the occupant, and then the trust is responsible for collecting the money and remitting to the city. If the trust doesn't collect the money, is it still responsible to remit the taxes?

Mr Mills: Apparently not; that's why it says "collected."

Mr Stockwell: Apparently not, you're saying.

Mr Mills: Yes. "Remit the amounts collected." If there's none collected, the trust wouldn't be responsible for paying.

Mr Stockwell: Two questions spring to mind. The first is, why send the tax bill to the trust in the first place?

Mr Mills: Well, I suppose, you know—

Interjection.

Mr Mills: Yes, exactly what I was going to say.

Mr Turnbull: Good skating. You don't need to go to the islands to skate.

Mr Mills: The protected occupant is not the owner. That's logical.

Mr Stockwell: Then a second question springs to mind. You've got a legal problem here, because if the protected occupant is not the owner but is responsible to pay taxes and chooses not to pay the taxes, the trust informs the city that he doesn't pay the taxes and the city then puts a lien on or takes ownership of the home because of unpaid taxes, is it then up to the owner, who doesn't live there, because the protected occupant's there, to pay the taxes?

Mr Mills: That is getting a little bit too complicated for me, so I'm going to ask the staff to respond.

Ms Davies: Joanne Davies, legal branch, Municipal Affairs. There are two ways the bill has attempted to address that. The first is that there are proceedings set out further on in the bill to have the protected occupant lose his rights to occupy for failure to pay certain amounts. Those amounts include both the occupation charge prescribed earlier and the property taxes. Should the protected occupant fail to pay them, he will be removed and no longer be entitled to live in the house.

Mr Stockwell: But who's responsible for back taxes?

Ms Davies: The owner is responsible for back taxes. At this point, the person who's found to be entitled by the minister is not the owner. He isn't made the owner until after the protected occupant has left the premises.

Mr Stockwell: So the owner then has to go to the protected occupant and sue him for the taxes. It becomes a civil lawsuit. That's a hairy way to do business. I just put this out: Why would you not have the taxes paid by the occupant directly?

Ms Davies: Because the occupant's not an owner and the Assessment Act does not provide for that.

1450

Mr Stockwell: Oh, that's right, sure. You can go ahead with that; I think you're going to have problems. In fact, I might need a recorded vote on it.

The Chair: Further questions or comments to section 10?

Mr Stockwell: This is a dog's breakfast.

Mr Marchese: Mr Chair, I'm wondering, is there a way to deal with this question that has been raised, because I think it's a good one. Is that something we could stand

down to give some thought to, or can that be dealt with later on in the regulations somehow?

Ms Davies: Staff believe they have dealt with the issue as best possible in the act and it has provided as many protections as possible. I'm not aware of any others that I could recommend.

The Chair: Further questions or comments to section 10? Shall section 10 carry? Recorded vote.

Mr Marchese: I think Chris asked a good question and that should be recorded.

Mr Stockwell: I think you just came to your senses.

The Chair: All in favour?

Aves

Eddy, Harrington, Mammoliti, Marchese, Mills, Morrow, Swarbrick.

Nays

Grandmaître, Sola, Stockwell, Turnbull.

The Chair: Section 10 carries.

Section 11: Questions, comments or amendments to section 11? Shall section 11 carry? Carried.

Section 12: We have a government amendment to section 12(1).

Mr Mills: It's not a government amendment, Mr Chair; it's an NDP amendment.

The Chair: Oh, I'm sorry. Mr Marchese.

Mr Marchese: Thank you. I hope Bernard will understand why I would move this motion.

Mr Grandmaître: Yes, I really understand.

The Chair: Move your amendment.

Mr Marchese: Mr Chair, we've heard a number of—

The Chair: No, no. Move your amendment.

Mr Marchese: Okay. I move that subsection 12(1) of the bill be struck out and the following substituted:

"Board

"12(1) The affairs of the trust shall be managed by a board of directors consisting of not more than 15 members, of whom at least two thirds shall be residents of the islands residential community.

"Interest

"(1.1) The members of the board shall represent and promote the goals of the trust as established under this act.

"Nomination

"(1.2) The residents of the islands residential community may nominate candidates for membership on the board of directors in the manner prescribed."

The Chair: Would you like to explain your amendment, Mr Marchese?

Mr Marchese: A brief comment, Mr Chair: We've heard a number of presenters make the point that the main function of the community trust is to manage the lands for the benefit of the island residential community and the public, and given that they are charged with that responsibility of stewardship, it would best reflect that responsibility if we make this amendment, and it is for that reason I present it.

The Chair: Are there questions, comments? Mr Stockwell.

Mr Grandmaître: And I have a subamendment.

Mr Stockwell: How is this going to do that? Why is your amendment going to achieve what you just suggested?

Mr Marchese: What it does clearly is to include it in the act, and that gives the stability I believe the trust would require. If you don't include it in the act, then it leaves it in a very unsure status by having it in the regulation. By putting it in the act it gives it stability; it gives them assurance that I think they need to have.

Mr Stockwell: Can I ask another question?

Mr Marchese: Mr Chair, the act-

The Chair: Mr Stockwell has the floor.

Mr Stockwell: Would it not make sense to you, Mr Marchese, that, considering the property is owned by Metropolitan Toronto; considering the services are provided by the city of Toronto; considering it's public land; this board I would hope or would think—"think" is a better word—would have the public benefit at heart, some number of seats should be set aside on the board for representatives of Metropolitan Toronto and the city of Toronto?

Mr Marchese: The act allows for that, and there will be other representatives to obviously bring the preoccupations or concerns of other levels of governments as well. What I've proposed does not preclude that at all.

Mr Stockwell: I'm not asking that it be precluded; I'm asking that it be specific.

Mr Marchese: Are you suggesting that it be specific in the act?

Mr Stockwell: Yes.

Mr Marchese: I don't think that is necessary, in my view.

Mr Stockwell: Why?

Mr Marchese: I think it's the trust that is charged with the greater responsibility of managing the lands, for the benefit of the islanders and everybody else, and I don't think it's therefore necessary to include membership of Metro or indeed anybody else in the act. It will be there and it will be in the regulations, and that satisfies me.

Mr Stockwell: Oh. Class me a cynic.

Mr Grandmaître: Mr Chair, can I introduce a subamendment at this time?

The Chair: So I can be clear, you wish to amend Mr Marchese's amendment?

Mr Grandmaître: Yes, subsection 12(1).

Mr Sola: Is that a friendly amendment?

Mr Grandmaître: It's a friendly amendment which I'm sure will enlighten Mr Marchese.

I move that subsection 12(1) of the bill be struck out and the following substituted:

"Board

"(1) The board of directors shall be composed of not more than fifteen members, of whom at least three quarters shall be residents of the island residential community chosen by the residents in accordance with bylaws passed by the trust."

Mr Stockwell: Is that it?
Mr Grandmaître: That's it.

The Chair: We need the written copy of the amendment, Mr Grandmaître.

Mr Grandmaître: It's fresh off the printer.

The Chair: Questions or comments on Mr Grandmaître's amendment to Mr Marchese's amendment to 12(1)?

Interjection: On the sub or-

The Chair: Yes, on the subamendment.

Mr Stockwell: Is this a sub? It seems contrary. It would seem to be a standalone.

The Chair: Actually, they are significantly different. We'll deal with them one at a time. I think we should deal with Mr Grandmaître's first.

Mr Stockwell: Okay. The Chair: Okay? Yes. Mr Stockwell: Why?

Mr Grandmaître: For the simple reason that my colleague and I have been harping on the fact that these people will have no appeal process, and being exempt from the Planning Act, I think these people will need all the bodies they can scrape together to protect themselves, and the more the merrier, because they're going to have a terrible time dealing with the development of those islands, their being exempt from the Planning Act, and this is why I want to see as many people on the board as possible.

Mr Stockwell: From the island.

Mr Grandmaître: Yes.

Mr Stockwell: Any thoughts as to allowing specific representation from other levels of government, considering it's publicly owned land?

Mr Grandmaître: I don't think the city of Toronto or Metro is asking for any representation on this type of arrangement.

Mr Stockwell: They didn't exactly ask for this piece of legislation either.

Mr Grandmaître: No, I agree with you, but I'm sure that Metro and the city of Toronto have received a copy of Bill 61, and they didn't oppose the composition of the board.

Mr Stockwell: Okay, thank you.

The Chair: Further questions or comments on Mr Grandmaître's amendment?

Mr Marchese: Just a point, Mr Chair. The reason why we have two thirds is because it means there will be other representation from other bodies that we think is useful and important to have. Three quarters makes that a little more difficult and that's why we propose two thirds.

Ms Swarbrick: I would only briefly add that three quarters of 15 is an odd number to be able to work with, so I have to support the sentiments Rosario expressed for that reason.

1500

The Chair: Further questions, comments on Mr Grandmaître's proposed amendment to subsection 12(1)? Shall Mr Grandmaître's amendment carry? Opposed? It's lost. We'll now revert to Mr Marchese's amendment. Questions, comments?

Interjection: We just voted this one in.

The Chair: Yes. Questions, comments? Shall Mr Marchese's amendment to subsection 12(1) carry? Carried.

Interjection.

The Chair: All those in favour? I didn't hear a no.

Mr Stockwell: No.

The Chair: All those in favour? Recorded?

Interjection: Yes.

The Chair: All those in favour of Mr Marchese's amendment?

Ayes

Eddy, Harrington, Mammoliti, Marchese, Morrow, Swarbrick.

The Chair: Mr Grandmaître, would you please take your seat?

Mr Grandmaître: You're breaking up a meeting.

The Chair: All those opposed?

Nays

Grandmaître, Mills, Sola, Stockwell, Turnbull.

The Chair: The amendment carries. Subsections 12(2) through to 12(11): Questions, comments or amendments?

Mr Stockwell: I just have a question. I'm not sure it can be part of the legislation, but I just ask for—

Mr Mills: Where are we? Excuse me.

The Chair: We're in the balance of section 12.

Mr Stockwell: I just ask you, for clarification, if any thought has been given to terms, length of office, remuneration, anything along those lines?

Mr Grandmaître: The answer is no.

Mr Mills: I'm not privy to any of this discussion, but I don't think there has been any thought—

Mr Stockwell: Considering you're parliamentary assistant, I would think there hasn't been any, then.

Mr Mills: Yes. If anyone should know, I should know, you're saying.

Mr Stockwell: Yes, that's what I'm trying to say. There's a scary afterthought to that, though.

Mr Mills: Now, then.

Mr Stockwell: It's obviously difficult to make amendments to as sketchy a piece of legislation as this. You don't know terms or lengths or remuneration or any of those things, so it would seem obvious that any fairminded person would have to vote against section 12. I would seek a recorded vote.

The Chair: Further questions, comments or amendments to subsections 12(2) through 12(11)? Shall subsections 12(2) through 12(11) carry? All in favour?

Ayes

Eddy, Harrington, Mammoliti, Marchese, Mills, Morrow, Swarbrick.

The Chair: Those opposed?

Nays

Sola, Stockwell, Turnbull.

The Chair: Carried. Shall section 12, as amended, carry? Carried.

Mr Stockwell: Were there any amendments to 12?

The Chair: To subsection 12(1). Mr Stockwell: Oh, right; I'm sorry.

The Chair: Section 13: I would suggest we move through considering subsections 13(1), (2) and 3).

Mr Stockwell: Are there any amendments to this?

The Chair: There is to subsection 13(4). Mr Stockwell: So we're going (1) to (3)?

The Chair: Yes. Questions, comments or amendments?

Mr Stockwell: As a question of clarification to the learned parliamentary assistant, are there any rights of appeal that a protected occupant or owner would have with respect to appealing levies etc?

Mr Mills: No.

Mr Stockwell: So there's absolutely none.

Mr Mills: No.

Mr Stockwell: So in essence, once this trust levies the charges and they can be perceived to be unfair by one home owner or another, there's no right of appeal to any tribunal anywhere that would adjudicate on the fairness of it.

Mr Mills: No.

Mr Stockwell: This, then, begs this question: Even though you may feel at some time that the taxes you pay as a home owner are unfair and you have the right to appeal taxes?

Mr Mills: Yes. I think it fair to say, Mr Stockwell, that they could appeal to the courts if the decisions made by the trust were grossly unfair.

Mr Stockwell: Now there's an interesting point, because I kind of figured you'd say that. So in essence, it would seem to me, if they have the right to appeal their levies to the courts, someone in future could appeal to the courts on development activities on the island, considering the fact that they're not under the Planning Act and have no right to appear before the OMB or cabinet, because you can't get to cabinet until you go through the OMB, but if you're not part of the Planning Act, you can't go to the OMB.

Would I be safe in assuming then, considering you can appeal your levies through the courts, could you then appeal the cooperative housing development or any other development or your neighbour's lean-to next to your house through the courts?

Mr Mills: I think you could take anything to the courts.

Mr Stockwell: You can't take anything to the courts.

Mr Mills: In this vein, I think you would have that right.

Mr Stockwell: Okay. Can I consult on this, because I think it's a very important question? If you can't appeal to the OMB and have a proper process, could the cooperative housing project be appealed through the courts on planning principles alone, on zoning, on density, on height?

Mr Mills: Maybe we should get a legal opinion.

Mr Stockwell: Good thinking.

Ms Davies: It would be our view that where the trust is given express power to do something, in this case impose a levy, it could only be challenged in the courts if the trusts were exceeding their jurisdiction as set out in the act or exercising it in an unreasonable manner.

In respect of the planning powers given to the trust, the same would be true. Since there are expressed powers given, there would only be an ability to challenge it in the court if the trusts were doing something exceeding the jurisdiction given to them in the act or if they were exercising their discretion in such a way that it was found to be unreasonable.

Mr Stockwell: Okay. Then the question is, who determines whether or not they are exceeding the powers given them in the act?

Ms Davies: As far as I know, a court of law is the only body that can determine that.

Mr Stockwell: Exactly. A person, then, could go to a court of law to determine whether or not the trust was exceeding its powers as part of this legislation when it comes to the development of the cooperative. So in fact this could end up before the courts.

Ms Davies: The powers are expressed in the act, but should someone want to challenge whether the trust was exceeding them, it could be taken to court.

Mr Stockwell: This is the other angle I wanted to ask about. Could they take to court the powers of the trust as part of this legislation? Let me try and clarify that. Could someone take to court the fact that they feel their rights as a citizen are being trampled because they are not part of the Planning Act, they are not able to appear before the OMB and they have not got the same rights as every other citizen in Metropolitan Toronto?

Ms Davies: In my view, the Legislature is empowered to increase and decrease rights in statute. The only challenge would be if that was found to be unconstitutional, in violation of the charter. It's not my opinion that the legislation, as constituted, is contrary to the charter. So my answer would be no.

Mr Stockwell: Thanks.

The Chair: Further questions or comments on subsections 13(1) through 13(3)? Shall subsections 13(1) through 13(3) carry?

Interjections.

The Chair: We've had a request for a recorded vote. All those in favour?

Ayes

Eddy, Harrington, Marchese, Mills, Morrow, Swarbrick.

The Chair: Those opposed?

Navs

Sola, Stockwell, Turnbull.

The Chair: Carried.

Subsection 13(4), Mr Mills.

Mr Mills: I move that subsection 13(4) of the bill be amended by adding after "19" in the last line "22."

This motion is a technical change to add a reference to section 22 in subsection 13(4) of the bill. This means that the city will be entitled to enough information to determine its share of the proceeds from a sale under section 22.

1510

The Chair: Mr Stockwell? Mr Stockwell: No, I'm fine.

The Chair: Questions, comments, further amendments? Shall Mr Mills's amendment to subsection 13(4) carry?

Shall section 13, as amended, carry? Carried.

Section 14: Questions, comments or amendments? Mr Stockwell?

Mr Stockwell: No, I'm fine.

The Chair: Shall section 14 carry? Carried.

Section 15.

Mr Stockwell: A quick question.

The Chair: On section 15?

Mr Stockwell: Yes, just a quick question. Is this the same immunity that councils and all other boards etc live under?

Ms Davies: It's the standard immunity clause to be built in.

Mr Stockwell: Thank you.

The Chair: Further questions or comments to section 15? Shall section 15 carry? Carried.

Section 16.

Mr Stockwell: A recorded vote on 16, please.

The Chair: Let's get through the questions, comments first. Questions, comments on section 16? All those in favour of section 16? A recorded vote.

Clerk Pro Tem: They have an amendment to 16.

The Chair: Oh, I'm sorry. I got way ahead of myself here.

Mr Mills: Exactly. I move that section 16—

Mr Stockwell: What are we doing? Are we reopening 16? We're in the middle of a vote.

Mr Mills: No. It's a question of the numbering. The Chairman—I had touched his arm but he wasn't paying attention.

Interjections.

Mr Mills: If we want to get technical, this is not-

Mr Stockwell: I didn't want to get technical a minute ago when the member was out of her seat for the vote.

The Chair: Order.

Mr Mills: But I can attract the Chair's attention without being voiceful. I was pushing him.

Mr Stockwell: That's fine. I withdraw my objection.

Mr Mills: Thank you.

I move that section 16 of the bill be amended by striking out "to the city by subsections 4(1), (2) and (3)" in the fourth and fifth lines and substituting "by subsections 3(4.1), 4(1), 4(2) and 4(3)."

This motion is a technical change to add the Hydro lands to the exempted land from that land leased to the trust.

The Chair: Questions or comments on section 16 or Mr Mills's amendment to section 16?

Mr Grandmaître: Is this a new amendment, Mr Chair, because my copy—

The Chair: I have a copy. **Interjection:** I have a copy.

The Chair: I believe it's just technical to properly realign the sections.

Mr Mills: Yes.

The Chair: Further questions, comments? Shall Mr Mills's amendment to section 16 carry? Carried. Shall section 16, as amended, carry? Carried.

Section 17.

Interjection: Is there an amendment to section 17?

The Chair: Yes, there is one. We'll deal with subsections 17(1) through (3). Questions, comments or amendments to subsections 17(1) through (3)?

Mr Stockwell: Just by way of explanation on subsection 17(2), Mr Mills, can you just explain that to me, your understanding of what exactly that means?

Mr Mills: We're talking about subsection (2), "If the house is occupied by a protected" etc?

Mr Stockwell: Yes.

Mr Mills: Just leave it with me for a few seconds.

As I thought, it's just what it says.

Mr Stockwell: It's astounding how complicated "just what it says" can be sometimes.

Mr Mills: I guess it's what people read into it that makes it difficult.

Mr Stockwell: Well, you're right. It's what makes us different, Gord. Just a quick explanation, really.

Mr Mills: I don't mean to be facetious or anything, believe me.

Mr Stockwell: So that's your explanation.

Mr Mills: Yes, that's it.

Mr Stockwell: Don't ever get into teaching, Gord. That's fine, Mr Chair. I give up.

Mr Mills: I'm very direct by nature.

The Chair: Further questions or comments? Shall subsections 17(1) through (3) carry?

Mr Stockwell: No. I want a recorded vote.

The Chair: Recorded vote. All those in favour?

Aves

Harrington, Marchese, Mammoliti, Mills, Morrow, Swarbrick.

The Chair: Opposed?

Nays

Eddy, Grandmaître, Stockwell, Turnbull.

The Chair: Subsections 17(1) through (3) are carried. Mr Marchese has an amendment to subsection 17(4).

Mr Marchese: I move that subsection 17(4) of the bill be struck out and the following substituted:

"Special case

- (4) The purchase price for a land lease that is sold under this section before the first anniversary of the day this act comes into force to an owner who is a senior as prescribed in the regulation and who meets the prescribed requirements shall be,
 - "(a) for land on Ward's Island, \$27,000;
 - "(b) for land on Algonquin Island, \$34,500."

The Chair: Explanation.

Mr Marchese: We've had a number of people presenting talk about some of the problems that a lot of seniors might have with this, and they talked about not just those who might be 65 years and over, but those who are age 60 and over who would have a problem. What this attempts to do is not to put age 60 in this amendment; what is here will allow the ministry to get a constitutional or at least a legal argument as to whether or not it is possible for someone who is age 60 to qualify, assuming the person meets the prescribed financial requirements etc. At the moment, it is age 65 that is there with financial requirements. We want to check out and see whether or not it's legally possible to allow someone who is 60 who meets the financial requirements, therefore allowing those people to benefit from this.

Mr Grandmaître: I don't see any problems in adding to or increasing or improving that section so that people who haven't reached the age of 65 could qualify. But Mr Marchese's amendment comes into force to an owner who is a senior as prescribed in the regulations.

In the province of Ontario, a person who reaches the age of 65 is a senior and qualifies for a pension, qualifies for Ontario drug benefits and so on and so forth and all of these great things, and that's the age of 65. If you want to lower it to 60, then I think you should do it if that's what you really mean to do.

Mr Marchese: That's exactly what I mean to do, except we don't know whether it's possible legally to do so. That's why we haven't suggested age 60 at this time. What the language does is to enable us to see whether or not it's legally possible. If it is, that would then be prescribed in the regulation. If it isn't, the regulation will specify age 65, obviously.

1520

Mr Grandmaître: Could I get a legal opinion on this from counsel?

Mr Marchese: I was giving you a legal opinion.

Mr Mills: That's where it came from.

Mr Grandmaître: Well, she's a better writer than you are.

The Chair: Order.

Ms Davies: The act set out age 65 because 65 is the age of a senior as prescribed in all legislation in Ontario. Should we attempt to change the age to 60, we will need a constitutional opinion on whether you can take out, ie discriminate against, an age group of 60 and whether that would be reasonable under the charter. I do not have that opinion. We would be seeking the constitutional opinion of the Attorney General about whether we can use 60 in a piece of legislation.

The Chair: Legislative counsel, I believe, also has an opinion. It may be the same.

Ms Lucinda Mifsud: Of course it's the same. However, it may be beneficial if we change the word to as "defined" in the regulation; a senior as "defined," rather than "prescribed." It might make it a little clearer what they're intending to do.

Mr Marchese: I can live with that.

The Chair: So would you like to change—

Mr Marchese: I propose, therefore, Mr Chair, that we put the word "defined" as opposed to "prescribed."

The Chair: Perhaps it would be best to reread the amendment in. Withdraw the first attempt and read the second one in.

Mr Marchese: I move that subsection 17(4) of the bill be struck out and the following substituted:

"Special case

- "(4) The purchase price for a land lease that is sold under this section before the first anniversary of the day this act comes into force to an owner who is a senior as defined in the regulation and who meets the prescribed requirements shall be,
 - "(a) for land on Ward's Island, \$27,000;
 - "(b) for land on Algonquin Island, \$34,500."

The Chair: Further questions or comments on Mr Marchese's amendment?

Mr Sola: Do Mr Mills and Mr Eddy have to declare a conflict of interest?

Mr Eddy: I'll see him after the meeting.

Mr Mills: For the record, Mr Sola, I'll be 65 on March 30, so I haven't got a conflict.

The Chair: All those in favour of Mr Marchese's amendment to subsection 17(4)? Carried.

Subsections 17(5) through 17(11): Questions, comments, amendments?

Shall subsections 17(5) through (11) carry?

Mr Stockwell: Recorded vote. The Chair: Those in favour?

Ayes

Eddy, Grandmaître, Harrington, Mammoliti, Marchese, Mills, Morrow, Sola, Swarbrick.

The Chair: Opposed?

Nays

Stockwell, Turnbull,

The Chair: Carried.

Shall section 17, as amended, carry? Carried.

Section 18: Questions, comments?

Mr Stockwell: On the loan guarantee part of it, the Treasurer of Ontario is going to secure a loan to a maximum amount, and the prescribed maximum amount of the loan is not set out, as far as I can see. I'm curious to see what that is. Is it like a mortgage?

Mr Mills: No, the cumulative loan is \$7.5 million, like the package.

Mr Stockwell: No. I think, unless I'm reading this incorrectly—

Mr Grandmaître: "By an owner."

Mr Stockwell: "By an owner." So they're going to lend money on each unit or on units that qualify. What is the ratio? Is it a banking ratio we're going to use? For instance, the banks can't lend more than 75% of value and so on. Is this what we're using?

Mr Mills: Yes. The normal banking criteria will apply to the mortgage, the difference being that the Treasurer will guarantee the loan.

Mr Stockwell: Okay. Now that I've heard that answer—and I expected it—the question is, what if an owner or a protected occupant can't qualify? For instance, what if they need the full 75% and they don't have the rest down?

Mr Mills: They won't be able to get one. It's as simple as that. They'd move into the co-op; they move out and into the co-op.

Mr Stockwell: In essence, then, those people who make this unique community, probably a lot of them seniors on fixed incomes—

Mr Mammoliti: I thought they were all rich.

Mr Stockwell: I will make this point again, as George jumped in. Gord, I said yesterday that a significant number of people on the island earn a lot of money. Probably most of them aren't seniors. In fact, the ones who are earning the least are those on fixed incomes, who invariably are senior citizens.

As I heard the deputations from these people over the last few days, the uniqueness of this community was probably in part—I don't know how much, but maybe even a significant portion—because of the seniors, and they were allowed to stay in their homes, create this unique community and live out their lives. You're saying that since they don't qualify for a standard mortgage, guaranteed under normal banking terms, which would mean 75%—and that means you've got to have 25% down—it seems to me that if you're telling me these people earn \$20,000 and less, I doubt very much they're going to have 25% of \$46,000. Although you probably would, they wouldn't, I don't think, George. In essence, the argument you're making is—don't you think you take away from the uniqueness of this community by putting this in here and

not allowing the seniors to stay in their homes, which you've told me is so important?

Mr Mills: Not at all. Not at all.

Mr Stockwell: Thank you. Let's move on.

Interjection.

Mr Mills: Seniors will qualify, first of all, for the reduced lease price, 25% of the value of the home; plus, the uniqueness—

Mr Stockwell: Pardon me, Mr Chair.

The Chair: No. Mr Mills has the floor.

Mr Stockwell: I understand that, but I get this thrown at me by Mr Morrow, saying to read this. I tried to explain it. If they don't understand it, I appreciate that.

The Chair: Mr Mills has the floor.

Mr Stockwell: I'm trying to listen to Mr Mills, and I don't need this—

Mr Mills: Yes, but your concern too is recognizing the uniqueness of the co-op. This is why the co-op's there, because of the things you're saying.

Mr Stockwell: Well, it will be, and the debate is when. But the question I'm asking you is, if there's any delay in this cooperative housing project—I can see it, and I'm sure my friends from the other party can certainly see a delay in this cooperative housing project. You're telling me that the uniqueness of this community you've spent hundreds of thousands of taxpayers' dollars protecting will be at risk, because the seniors—the only ones I really want to protect, with all due respect, Mr Chair; the only people who really deserve to be protected are those seniors who've been there 25 years and longer—will be the only ones who won't be able to afford to live there, for goodness' sake.

Mr Mammoliti: What about all the single moms?

Mr Stockwell: I'm ignoring George, and it's making me happy.

Mr Mills: Just one moment. We talk about the co-op, and you say it's not been built, but that exact house will go into part of the co-op. They will stay there, the seniors, and be part of the co-op.

The Chair: Mr Marchese's trying to be helpful.

Mr Marchese: I think Mr Mills is saying that the house will then be controlled or run by the co-op but that the person will be able to stay in the home.

Mr Stockwell: And who pays for it?

Mr Marchese: Through the cooperative, presumably.

Mr Stockwell: Who's buying the house?

Mr Marchese: The cooperative would own it, and the person would be able to stay in it.

Mr Stockwell: And where are they getting the money? There's no money. You haven't created the co-op. There's no money for the co-op. They've got nothing to buy it with except dreams and promises.

Mr Mills: The co-op already exists.

1530

Mr Stockwell: But how much money is in the co-op's bank account, through you, Mr Chair, to the parliamentary

assistant? Are they going to have enough money in the bank in 120 days, when these need to be rectified, to pay for all these homes that these seniors won't be able to buy?

Mr Mills: I'm told that the co-op is in place and has already received an allocation of funds from the Ministry of Housing.

Mr Stockwell: How much?

Mr Mills: I don't know if we have that figure.

Mr Stockwell: You've got to understand that this is for engineering, this is for planning. This is not for buying these homes from the seniors.

Mr Mills: Of course it is.

Mr Stockwell: Oh, it's to buy the homes from the seniors, and it's not for engineering studies and planning a cooperative and the consultants' fees etc?

Interjections.

The Chair: We'll just wait for an answer to Mr Stockwell's question and then we can maybe move on.

Mr Mills: I understand, Chris, that the co-op has been given the money to buy the existing units and the money for the 110 units of the co-op housing.

Mr Stockwell: Can I ask how much money they've been given?

Mr Mills: I don't know if we've got that figure, because—

Mr Turnbull: I haven't seen any announcement from the minister.

Mr Marchese: When was this corporation?

Mr Stockwell: It's not even a corporation.

Mr Mills: The corporation has been in existence many, many years.

Mr Stockwell: And how much money did they receive, then?

Mr Mills: I haven't got that figure available.

Mr Stockwell: Do you know when they received the money?

Mr Mills: We haven't got anyone from Housing here, so we can't answer those, but it was years ago.

Interjections.

Mr Mills: If it's going to quiet everybody down, I can promise to get you that information.

Mr Stockwell: I'd also like to know how they got the money before this legislation is even passed.

Mr Mills: As I've told you a couple of times, the co-op there has been in existence for a long, long time. It didn't just suddenly start up last week. Be fair.

Mr Stockwell: I know that. But Mr Chair-

The Chair: This is getting increasingly difficult for Hansard to follow.

Mr Stockwell: I know how cooperatives work. I think I have a reasonable understanding of how the cooperative system works. I know the moneys they receive up front and I know how they get paid to build cooperative housing projects. They don't send them a cheque for the price of the cooperative—

Mr Mills: It's an allocation.

Mr Stockwell: —five years before the thing is even conceived of, potentially. They send them chunks of money over periods of time.

I just asked for clarification—and you can do this through the Ministry of Housing—of how much money they've received, how much money has been earmarked to buy up these houses for seniors and how much money will be needed before this cooperative is built to ensure that the payments on these loans can be made. That's all I ask.

The Chair: Mr Grandmaître has a question.

Mr Grandmaître: I am being told, Mr Chair, that this co-op was created back in 1978? The islanders are indicating that this is right. How could a co-op have been created back in 1978 when the land owner issue wasn't settled?

Mr Mills: If I may, Mr Chair, it was just a corporation. They didn't have any land then. It was just a formed corporation without land.

Mr Grandmaître: And you received money back in 1978 or whatever?

Mr Mills: Not money; an allocation.

Mr Stockwell: Well, allocations aren't going to pay the mortgage.

The Chair: Mr Turnbull.

Mr Turnbull: In view of the fact that the parliamentary assistant has undertaken to get the information to us with respect to the allocation from the Ministry of Housing, I would propose that we stand down this section until we get that clarification. Otherwise, we're voting in the dark.

The Chair: Do we have unanimous consent?

Mr Mills: No.

Mr Turnbull: So you want to vote on something and then you'll tell us afterwards what we voted on?

Mr Mills: Exactly.

Mr Turnbull: That's the way this government works, yes.

The Chair: Further questions, comments or amendments to section 18? Shall section 18 carry?

Mr Stockwell: Recorded vote. The Chair: All those in favour.

Aves

Harrington, Mammoliti, Marchese, Mills, Morrow, Swarbrick.

The Chair: Opposed?

Navs

Eddy, Grandmaître, Sola, Stockwell, Turnbull.

The Chair: Carried.

Section 19: Questions, comments or amendments? Seeing none, we'll have a recorded vote. All those in favour?

Aves

Eddy, Harrington, Mammoliti, Marchese, Mills, Morrow, Swarbrick.

The Chair: Opposed?

Navs

Grandmaître, Sola, Stockwell, Turnbull.

The Chair: Section 19 is carried.

Section 20: Questions, comments or amendments? Do we have a question of a comment or amendment?

Mr Stockwell: Yes. The transfer of ownership—gosh, I forget the name—of a protected occupant: Can a protected occupant transfer tenancy to someone?

Mr Mills: No.

Mr Stockwell: Can protected occupants have someone move in and live in the same unit with them who isn't part of the original agreement?

Mr Mills: Yes. As a guest. Mr Stockwell: As a guest.

Mr Mills: Not as a full-fledged lodger or whatever.

Mr Stockwell: Okay, so when that protected occupant leaves, if there is someone else living in that unit, they have to vacate the premises for the owner.

Mr Mills: Yes. They have no protection.

Mr Stockwell: They have no rights other than—

Mr Mills: They're a guest.

Mr Stockwell: Now let's ask this question: Have any studies been done to determine how many people who live on the island today are protected occupants and how many

Mr Mills: This is part of the role of the commissioner. He will make that determination.

Mr Stockwell: I know that.

Mr Mills: But not until now, no.

Mr Stockwell: But all week I've been quoted statistics of the incomes, jobs and so on of the people who live on the island. My question is, of those statistics I've been quoted, how do I know a significant number of those are not protected occupants and in fact the owners are either very wealthy or of a different income bracket and therefore I'm passing legislation that will protect a block of people completely different than what I've been led to believe live on the island?

Mr Mills: If my memory serves me right, I think Mr Johnston said that there were only about 12 of these units in dispute, and my understanding of the bill is that the commissioner will be dealing with this.

Mr Stockwell: May I ask the question then? I will be willing to bet, and maybe that's not the way to start a question out, but I'm willing to wager that once the people here who think they have ownership of these properties find out about what they're selling for, you may in fact have a significant number of people who believe they have deed to these properties who never spoke about them before, and although you say 12, I'm willing to wager it'll be significantly more.

How do I know or how am I protected in the knowledge by passing this legislation that in the adjudication that takes place with the commissioner there won't be a wholesale change, because I'll say this too: There are some very difficult determinations that need to be made on ownership of a lot of these properties. I've known through the years that I've dealt with this that it's going to be very difficult in a lot of instances to determine who actually owns these properties, because they've been turned over and flipped and changed a significant number of times in the last 35 years.

I guess the question I have is, and I think it's a really important question, is it feasible to determine, before this legislation receives third reading, how many disputes will be had over the homes and what the commissioner will have to adjudicate on? I'm willing to bet you that it will be significantly more than 12 and maybe as high as half.

Mr Mills: I'd just like to say that I agree with you. Richard Johnston says that according to his calculations, there are 12. Given the scenario that you've described, there could well be more. I think it fair to say that there will be more, but we have no idea or no way of knowing these numbers or what the commissioner will deal with until this is advertised and we get the flow back and forth of different people who say that they have ownership.

Mr Stockwell: Does that worry you at all?

Mr Mills: I think it's a concern.

Mr Stockwell: It's a great concern of mine.

Mr Mills: But we can't do anything until it's advertised and we get this information back.

Mr Stockwell: Let me just go on record as saying that I don't think this government realizes in a lot of instances who it is protecting. I think you're going to have a lot of disputes, and the people who are going to be disputing these will not be people you consider to be worthy and unique residents of the Toronto Islands. I think the islanders will probably tell you the same thing in a lot of instances.

The Acting Chair (Mr John Sola): Further questions and/or comments? Let us proceed with the vote then.

Mr Stockwell: Recorded.

The Acting Chair: Recorded. Subsections 20(1) through 20(8)? All in favour?

Eddy, Harrington, Mammoliti, Marchese, Mills, Swarbrick.

The Acting Chair: Opposed?

Navs

Stockwell, Turnbull.

The Acting Chair: Section 21.

Mr Stockwell: Recorded vote on that.

The Acting Chair: Any comments and/or questions? All in favour?

Aves

Eddy, Harrington, Mammoliti, Marchese, Mills, Swarbrick.

The Acting Chair: Opposed?

Nays

Stockwell, Turnbull.

The Acting Chair: Section 22.

Mr Mills: I have an amendment for subsection 22(11).

The Acting Chair: First of all, are there any comments and/or questions?

Mr Mammoliti: I have a question, if you don't mind.

The Acting Chair: Go ahead, Mr Mammoliti.

Mr Mammoliti: We're on section 22, are we?

The Acting Chair: Right.

Mr Turnbull: Is that your question?

Mr Mammoliti: Somebody's rattled his cage. When an owner wants to sell, he advises the trust that he wants to sell and the trust sells for that owner. What happens if the owner doesn't necessarily agree with the price, with the going rate or the market? Would that make a difference? Does the trust hold the decision at that point as to whether it sells or not, or does the owner have a say in whether or not he wishes to change his mind? Once they've committed, is it now up to the trust? If they have a disagreement of some sort, can the owner withdraw his request to sell?

Mr Mills: Yes, he either accepts or rejects the trust's offer. That's the end of it.

Mr Stockwell: Until he signs the papers.

Mr Mills: Yes.

Mr Marchese: But it has to be up to the trust.

Mr Mammoliti: Yes, it's not very specific, that's all.

Mr Stockwell: I understood this process to be a prescribed amount of money for value of property. In essence, if you buy it for \$56,000 or \$46,000, you'll lose 1.1% per year for 99 years. Why is it that we have to do this war dance here to determine whether the amount is accepted or not accepted, the offer and so on and so forth? Is the offer not simply a calculation and, if it is a calculation, do you then simply not go to the waiting list, take the next name off the waiting list and say, "Here's your chance to buy in at a prescribed amount," and the owner has no option except to accept that amount of money if he wants to leave?

Mr Mills: Why that word is in there is dependent upon the appraised value of the house. It's an upper limit. You know, the highest offer could be worth less than what it is.

Mr Stockwell: Oh, I get it. So you think that if somebody wanted to sell the day after he bought, the lease may not be worth \$36,000; it may be worth only \$18,000.

Mr Mills: It's not the lease, it's the house that may not be worth. The lease is fixed.

Mr Stockwell: This is going to be interesting. Then you go to the waiting list—first come, first served. List 1 is Mary Doe. "Mary, we have a house for sale on such-and-such. Make an offer." "No, don't make an offer." I'm confused, to be honest.

Mr Mills: I must agree, I'm a little confused. With that, I'll turn to our legal staff to answer your question.

Ms Davies: In any sale, there are two components. The land-lease price is completely fixed by the formula as you outlined, which depreciates over time. Mary Doe is first on the list. She gets offered a house and a land lease;

they're a package now. There are really two numbers you add together: the land-lease price, which is fixed, as you said, and could just be taken from a piece of paper; the second component, though, is the house.

That's a little more complicated, because the house is appraised on the very first day, and whenever that owner wants to sell it, there's a mechanism for a second appraisal to take place and then a calculation is done to determine the maximum amount of that house. You then take the land-lease price—let's just say \$35,000—and the value of the house, which is \$50,000, and the maximum price then becomes \$75,000. Mary Doe then gets offered that house and land lease for \$75,000. She may or may not accept it.

Mr Turnbull: Then do you go to the next one on the list and so forth?

Ms Davies: That's right.

Mr Mammoliti: But does she have the choice to accept it?

Ms Davies: Sure.

Mr Stockwell: This is really interesting now. The Acting Chair: One at a time, please. Mr Stockwell: Have I got the floor? The Acting Chair: Yes, Mr Stockwell.

Mr Stockwell: This is really interesting now. So this house is subject to no planning controls, no Planning Act controls, subject to no zoning—

Ms Davies: It is. The planning controls were only lifted for vacant property.

Mr Stockwell: Okay, sorry. You're right.

Ms Davies: So the full planning controls apply to any house and land lease.

Mr Stockwell: So then they have a degree of equity in this property already.

Ms Davies: In the house.

Mr Stockwell: Yes. Well, you say the house, but the house happens to sit on the property so it's pretty tough to exclude that.

Ms Davies: Yes.

Mr Stockwell: So they have a form of equity because they have some form of shelter on this property. That shelter is assessed at 1993 values.

Ms Davies: It's appraised.

Mr Stockwell: Okay, appraised at 1993 values by a professional appraiser. That person values the house and the fixed value of the land. After 10 years, you go to the list. You figure out what you have still in to be paid for that house in value, the land, and then you go through the list as far down to the bottom until you find somebody who's willing to pay it. If you don't and you still want to move, you reduce the price and you go through the list again. If you don't reduce the price, you go through the list again. Is that how the system works?

Ms Davies: You can never reduce the land-lease price; that is fixed.

Mr Stockwell: I know, you reduce the house price.

Ms Davies: The house price.

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Mr Stockwell: It's academic. You reduce the price. How the components are made up really is academic because that's how much money I'm putting in my pocket. So you go through the list until you can find a mutually acceptable price to somebody on the list. Then it's not necessarily first come, first served; it's whoever feels that's a reasonable amount of money to pay for the house, depending on where they sit.

So some of these homes, if they're assessed—let's say, for instance, the highest value is—I don't know what the houses are worth; I can't even guess—\$50,000, the highest home. To rebuild that house would cost \$50,000. Their value on the lot is \$46,000. They have \$96,000. They buy it today—this is really griping me now—for \$96,000. They turn around the next day, they sell a house and the lease, which they didn't have any right to yesterday but now have full right to today, and can collect \$96,000, and you say there's no gain there. Thank you.

Mr Mills: Excuse me. Mr Chair, I think that requires some explanation from our financial staff.

Ms Debbie Chen-Yin: I am Debbie Chen-Yin from the municipal finance branch of the Ministry of Municipal Affairs. You do have to separate the two components. You do have to separate the land-lease price from the structure, because a portion of the land lease goes to the province. In your example, the \$50,000 would accrue to the vendor, but only a portion of the land lease would go to the vendor.

Mr Stockwell: How much?

Ms Chen-Yin: Well, you're using a fictitious amount.

Mr Stockwell: No, \$46,000; that's not fictitious.

Ms Chen-Yin: If we assume that the purchaser or the vendor, the owner, bought the land lease for \$36,000 on proclamation, in year 5 the vendor would receive about \$37,000.

Mr Stockwell: But let's say the next day. Let's say there's an owner out there who doesn't want to live on the island, all right? They own on Algonquin. You're talking \$46,000. They don't want to live on the island, but they have a house that's been lived in by somebody there that's worth \$50,000. They know the value of the house is \$50,000. They know the value of the land is \$46,000. They exercise their right in the \$46,000. The next day they put it up for sale to that list and they say the house is \$50,000. How much could they lose in one day? Nothing. They put that together with their \$50,000 and they have \$96,000.

Ms Chen-Yin: No, what they would get is a portion of the \$46,000.

Mr Stockwell: How much then for the next day?

Ms Chen-Yin: I cannot give you an exact amount.

Mr Stockwell: Ballpark?

Ms Chen-Yin: But they would get the \$50,000 for the structure.

Mr Stockwell: Ballpark then for the land.

Ms Chen-Yin: I can't ballpark it.

Mr Stockwell: Well, what are they losing? What's the ratio they're losing it at?

Ms Chen-Yin: We're talking about the next day. I don't have the figures here to give you an exact amount.

Mr Stockwell: Isn't it 1.1% per year?

Ms Chen-Yin: The initial land-lease price is adjusted for inflation.

Mr Turnbull: Yes, but for one day you've got no inflation.

Mr Stockwell: It's just one year. It would be 1.1%. This is how they've explained it to me. They lose 1.1% per year for 99 years. They buy it for \$46,000, and 1.1% is—if my calculations are correct—about \$460. Correct? They sell it for \$45,500, plus the \$50,000 for their house, and they walk out with \$95,000.

Ms Chen-Yin: But in your example we are assuming that, okay, they've paid for the land lease, so it would be \$36,000. They've already borrowed the money for the \$36,000.

Mr Stockwell: But I'm not saying that they live there. I'm saying that they just own it, right? I'm just saying they own it.

Ms Swarbrick: They don't own the land.

Mr Stockwell: They own the house. Okay, now they exercise their option on the lease. Granted, okay, so they pay for the \$46,000. Then they get full value for the property, coming out, of \$50,000, and they've lost \$460.

Ms Swarbrick: No, they paid the \$46,000. The next day they want to sell the land, it's still worth only \$46,000, so they get \$46,000. They're zero ahead.

Mr Stockwell: I know. So they get the \$50,000 for the house.

Ms Swarbrick: Yes, they get the value of the house.

Mr Stockwell: And they don't necessarily live in the house. They could have had a protected occupant who couldn't afford it. They just say, "I'm exercising my right," go in there, grab the house, get their \$50,000 and go and haven't lived on the island for 10 years.

Mr Mammoliti: I have another question. Mr Chair, I'd like to know whether there's a cost—

Interjections.

The Chair: Quiet. I can't hear Mr Mammoliti.

Mr Mammoliti: Under normal circumstances, when a home owner wants to sell, he usually gets a real estate agent to do that who charges a fee. Would this trust company charge them a fee to do it as well? How does that work, or would that be included—

Mr Turnbull: It is not a trust company. It's a trust.

Mr Mammoliti: I'm sorry, not trust company; the trust. Is there a fee on top of their services?

Mr Mills: The trust can charge an administrative fee only.

Mr Mammoliti: An administrative fee only. It's not specific, though, in terms of how much that is. Is there some sort of a formula?

Mr Mills: It would be whatever their costs are.

Mr Mammoliti: I'm sorry?

Mr Mills: It would be whatever their costs are. This is not a real estate company.

Mr Mammoliti: Oh, I see. It would be whatever costs of the trust would incur.

Mr Mills: Yes.

Mr Mammoliti: It would never be more than that? It would never turn into 5% or 10% of the value of the house itself?

Mr Mills: No. That's why-

Mr Mammoliti: Do you not think that should be specific in the legislation to help protect the seller?

Mr Mills: I'll get the staff to answer, George.

Ms Davies: The act refers to the administrative charge. "Administrative charge" is understood at law to be the cost related to the administration of their responsibility. It can't be a profit component. The very word "administrative" limits the amount, just like the Planning Act.

Mr Mammoliti: I know all kinds of lawyers, however, who charge you an arm and a leg for gas when they go from one end of the city to another, or they charge you an arm and a—

Mr Stockwell: How about MPPs?

The Chair: Order.

Mr Mammoliti: —leg for paperwork and that sort of thing. I'm just concerned about it, that's all. I think that maybe there should be some specifics put in there to help protect the owner.

Mr Mills: It's the responsibility of the trust.

The Chair: Further questions, comments to section 22?

Mr Stockwell: No, I don't have any more, Mr Chair, if you want to go ahead on it. I think there are problems with that, though.

The Chair: Subsections 22(1) through (10). Recorded vote. All in favour? Will the members be seated, please. All in favour of subsections 22(1) through (10)?

Ayes

Mammoliti, Marchese, Mills, Morrow, Swarbrick.

The Chair: Opposed?

Nays

Eddy, Sola, Stockwell, Turnbull.

The Chair: Carried.

Mr Mills, you have an amendment to subsection 22(11)?

Mr Mills: I move that subsection 22(11) of the bill be struck out and the following substituted:

"Deferred payment

"(11) Despite subsection (10), the owner shall receive no proceeds from the sale of the house and land lease or vacant land lease to the trust until the trust receives the money from the purchaser and until all unpaid occupation charges for the land, charges owed to the trust, the sewer and water charges under subsection 5(3) and interest are paid in full."

Mr Chair, this motion requires that the sewer and water charge of the city must be paid or else it will be deducted from the proceeds of the sale.

The Chair: Thank you. Questions or comments on Mr Mills's amendment?

Shall subsection 22(11) carry? Carried.

Shall section 22, as amended, carry?

Mr Mills: I've got another amendment, Mr Chair, that's nothing to do with (12). It's (13).

The Chair: I'm sorry. I'm getting beyond myself. Mr Mills, thank you for the assistance.

We'll deal with subsection 22(12). Questions? Comments? Shall subsection 22(12) carry? Carried.

Section 22(13): Mr Mills, you have an amendment?

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Mr Mills: I move that subsection 22(13) of the bill be struck out and the following substituted:

"Distribution

"(13) The trust shall distribute the proceeds of the sale and the payment under subsection 21(7) in the manner prescribed."

This motion is a technical change to ensure that a payment under subsection 21(7) facilitating the transfer of a land lease to a child under a will will be distributed in accordance with the regulations.

The Chair: Further questions or comments? Shall Mr Mills's amendment to subsection 22(13) carry? Carried.

Shall section 22, as amended, carry? Carried.

Section 23: Questions, comments or amendments?

Mr Stockwell: I have a question on 23. That's why I held my hand up. Is it up to the trust to maintain levels or standards of repair/care on all homes on the island?

Ms Davies: Section 20 requires that the land lease include a requirement for the purchaser of the land lease to maintain those standards. So it's not up to the trust; it's in the lease, the obligation on the owner. It's up to the lessee of the land lease.

Mr Stockwell: And the enforcement is done by the trust.

Ms Davies: Yes.

Mr Stockwell: The question that arises out of that in my mind is, say the owner doesn't maintain a reasonable repair. I know through the city that if the city determines a home owner isn't maintaining his house in repair, it moves in and does whatever needs to be done and then applies it to his taxes. I think even anyone involved in municipal politics would know that. I don't know anyone here who actually is.

Mr Mills: I was on council.

Mr Stockwell: Oh, there: You were. That's the way it's done. How could the trust do these kinds of repairs and how would it then force the occupant-owner to pay for the maintenance performed?

Ms Davies: There's no ability for the trust to do them and charge back, but the owner is then in breach of the lease and the lease could be terminated if he didn't carry

out those obligations and the trust has the full power then to sell and distribute the proceeds accordingly.

Mr Stockwell: Oh. Good answer.

The Chair: Further questions or comments on section 23? Shall section 23 carry? Carried.

Mr Stockwell: I have a question—

The Chair: I'll note that. Section 24: Questions, comments? You didn't even put your hand up.

Mr Stockwell: What if a creditor moves in? Under normal practices, if a bank moves in on a house, it forecloses. When they foreclose, they sell it. Is it possible for a standard creditor to move in, foreclose and go through the process of selling it through the trust fund?

Ms Davies: The creditor is allowed to trigger the sale through the trust but he has no occupation rights. He can't actually live in the house.

Mr Stockwell: Can he evict?

Ms Davies: Just give me one moment. The trust does the eviction on behalf of the creditor and the trust sells on behalf of the creditor and pays the proceeds back to the creditor.

Mr Stockwell: So in fact, for this nominal amount, the \$36,000 or \$46,000, they can move in, evict and the trust will carry out these actions.

Ms Davies: As long as you mean by "move in," exercise their rights.

Mr Stockwell: That's what I mean, exercise their rights.

The Chair: Any questions or comments on section 24? Shall section 24 carry? Carried.

Section 25: Questions, comments or amendments to section 25? Shall section 25 carry? Carried.

Section 26: Questions, comments or amendments to section 26?

Mr Stockwell: The question I have on 26 is, "The trust shall maintain a register that identifies, for every house and land lease and vacant land lease on land described in the schedule, (a) the owner; (b) the protected occupant, if any," etc. Will they maintain a list of the guests?

Ms Davies: There's no provision in the act for the trust to maintain a list of the guests.

Mr Stockwell: There isn't. So there will be no restrictions placed on the number of occupants per unit.

Ms Davies: The standard occupancy regulations for the city of Toronto would certainly apply.

Mr Stockwell: Yes. What are those?

Ms Davies: They relate to health and safety standards.

Mr Stockwell: I know. And apartments and so on. For instance, I know that the city of Toronto has one of the more some would suggest progressive—others would not—rules for intensification. As an owner of an island home, could I then, through intensification, put apartments in my home?

Ms Davies: There are two aspects to that answer. The first one is, there's no power to sublease, in effect, let to a tenant, without the permission of the trust. The trust does have a regulatory power. If you want, say, to lease part of

your house, have a tenant come in and rent a room, the trust has the power to approve that. It's not as of right in the act.

If your second question is, "Does the houses and apartments legislation as proposed, if passed, apply?" this act does not exclude it from applying.

Mr Stockwell: It doesn't. So in fact what you're saying is, if an owner of a home wanted to make his home a triplex, he can do that.

Ms Davies: With the permission of the trust, yes.

Mr Stockwell: Surely to goodness, if the Planning Act, the official plan and zoning from the city are applicable to the units, then that supersedes the trust's power, because that supersedes all power.

Ms Davies: The trust would have to exercise its discretion in accordance with that other legislation, yes.

Mr Stockwell: Basically, then, yes, you could turn your house into a triplex.

Ms Davies: There's nothing prohibiting that in this act.

The Chair: Further questions?

Mr Stockwell: You could charge rent, generate income and so on?

Ms Davies: Yes.

The Chair: Questions, comments? Shall section 26 carry? Carried.

Section 27: Questions, comments or amendments to section 27? Shall section 27 carry? Carried.

Section 28: Questions, comments or amendments to section 28? Shall section 28 carry? Carried.

Section 29: Questions, comments or amendments?

Mr Stockwell: It says in 29(2):

"Subject to subsection (3), the Planning Act does not apply to the construction of houses on land described in the schedule that is vacant on the day this act comes into force or to the use for residential purposes of land described in the schedule that is vacant on the day this act comes into force."

There are lots that are vacant at this time.

Mr Mills: Yes.

Mr Stockwell: The rebuilding of those lots is not subject to the Planning Act?

Mr Mills: Right, yes. That's what it says.

Mr Stockwell: But you said to me earlier that they are subject to the Planning Act—the homes, not the vacant land. So even though it's in the middle of this subdivision, this vacant parcel in the middle of the subdivision is not subject to the Planning Act.

Mr Mills: That's right.

Mr Stockwell: The person who buys this place can build his own home.

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Mr Mills: I think it's fair to be said that in so far as the suggestion that you could run amok over there doing what you like, that's not true. Building inspectors come there now, I believe, every week to inspect and they will—

Mr Stockwell: No. I'm not worrying about the standards. I believe the standards will be lived up to. I'm worried about the size, the footprint and so forth. You don't want any monster homes over there.

Mr Mills: The trust will regulate that.

Mr Stockwell: Where would the owner appeal to? This is back to the legal arguments again.

Mr Mills: Yes. Court, I guess, bottom line.

Mr Stockwell: If you buy a piece of vacant land, you could build a house and if the trust says, "We don't like the colour of your brick or the colour of your eavestrough," that's it. If they don't like it, you change it.

Mr Mills: I think that the demands again have to be reasonable. If they are not reasonable, then you would go to court. But I think probably that if you wanted to put pink walls on or something, that would be deemed to be reasonable.

Mr Stockwell: All right. Big mistake.

The Chair: Ms Swarbrick?

Ms Swarbrick: I think my questions have been clarified. They were going to be, one, is there not an ability for the trust authority to effectively be its own planning authority and develop its own planning guidelines? You've said yes. My second would be, would there not be an ability, in answering Mr Stockwell's concern, that if somebody wanted to appeal that decision, in fact they could appeal it to the minister if they wanted? Is that true?

Mr Mills: No, there's no appeal process to the minister, but if an individual feels he's been dealt with unfairly by that trust, then he has the right to go to court.

Ms Swarbrick: I thought the minister had ultimate authority over those kinds of issues.

Mr Mills: Yes, in so far as he controls the trust itself, Anne, but not as a right of appeal.

Ms Swarbrick: I used "appeal" very lightly. I really meant that if residents didn't like what the trust was doing, in fact they could small-a appeal. They could make a request to the minister to review things and step in, could they not?

Mr Mills: To review the membership of the trust and that way look at how these decisions were made.

The Chair: I'm getting more confused rather than being helped here. Just as a question of fact so I understand: If I am a resident and Mr Mills now has the opportunity to build on the vacant property beside me, because the trust has decided that and Mr Mills is doing this with the blessing of the trust—they've decided they would permit that—under the Planning Act I would have some reason to be able to object—

Mr Mills: To the OMB.

The Chair: —but under this situation, the person living beside that vacant property does not have the right to object. Even though he's under the Planning Act, the person next door may not be.

Mr Mills: That's right.

Mr Stockwell: Great system.

Mr Mills: It needs a little understanding.

The Chair: Further questions or comments?

Mr Stockwell: Just a comment, Mr Chair. If I were writing this legislation again, which I'm not, I would make the recommendation to this government and this parliamentary assistant: I think you could probably solve a lot of problems if you subjected the vacant land lots to the Planning Act and not, if you're concerned about the cooperative housing, the vacant lots for the development.

For example, any lot of the 250 that is not developed would be subject to the Planning Act whereas the other ones wouldn't. I think the Chair, Mr Brown, makes a very good point. The Planning Act isn't used just to protect that person's building; the Planning Act is in place to protect those people who live surrounding the development and where it takes place. In essence, 90% of developments that get appealed through the process of the OMB and so on are appealed by those who live around the development, not necessarily the developer.

But I didn't write the legislation. It would be a simple amendment, and I think it would be very helpful in trials and tribulations that you'll have in developing those vacant lots for the 250 homes.

Mr Mills: Thank you for your comment.

The Chair: As a further question of fact, perhaps someone could indicate how many of these vacant parcels exist.

Mr Mills: The staff will answer, Mr Brown.

Ms Davies: At this point the vacant land is not divided into lots; it's one parcel. The act gives the power to the trust to create up to 110 new lots, so to speak, land leases, 80 of which must be offered to the co-op.

The Chair: My question is within the Ward's Island.

Mr Stockwell: But there are vacant lots where I think houses have burned down or been demolished etc. Sorry, Mr Chair.

The Chair: My question was that within the community itself there must be some vacant property. How many of those would there be? I'm not talking about the entire parcel; I'm talking about right within the communities.

Ms Davies: I don't know the number.

Mr Mills: In general, it's a big parcel.

Mr Stockwell: As a point of interest for me maybe, just quickly, I want to be clear. I'm not talking about the 80 units you're parcelling up. I understand that you don't want the Planning Act to apply and I understand about the co-op. I'm talking about the 8 to 12 housing lots—

Mr Mills: Between houses.

Mr Marchese: The in-fill homes.

Mr Stockwell: Yes, the in-fill homes. I think you'd probably do yourself a huge favour by making it subject to the Planning Act, but let's move on.

The Chair: Further questions or comments to section 29? Shall section 29 carry?

Mr Mills: Before we vote on that, I think Mr Stockwell has a very good point that staff should take under consideration.

Mr Stockwell: Then my three days weren't a waste of time.

Mr Mills: Not at all.

The Chair: Shall section 29 carry? Carried. Recorded vote?

Mr Stockwell: No.

Mr Mills: He's getting mellow.

The Chair: At this point we did have some information the committee asked for.

Mr Mills: I'd just like my executive assistant, Dan Danielson, to make a comment.

Mr Dan Danielson: Yes, Mr Chair, the question was about the allocation from the Ministry of Housing for the cooperative. I've just been in conversation with a person at the Ministry of Housing who has told me that it's really very difficult to put a dollar figure on it. I'll try to explain why.

The fact is that the kind of housing they will be building on the island does not fit any of their maximum unit price criteria, such as a town house, which would have a garage and a basement. What they would be doing is sending in an appraiser and doing an actual cost estimate of what it would cost to build the housing that the co-op would be constructing and would then determine the actual dollar amount.

For example, if the co-op were to propose building 80 units, that might be some scattered units. Then they would determine the amount of money that would be allocated to the co-op based on their estimate of what it would cost to develop those units. They have not actually had an actual allocation at this moment, but are going to allocate the money to the co-op as soon as they become a legal non-conforming use after the passage of this bill.

Mr Stockwell: I understand about the legal non-conforming use and I understand about the co-op. The point I was trying to make was the guarantee on the loans. I think, and I'll try and recap—if I'm wrong then I stand corrected—I understood that the money was going to come from Housing to guarantee those mortgages.

Mr Danielson: No.
Mr Stockwell: It's not?

Mr Danielson: The moneys for the co-op, for the allocation of the building of co-op units, is coming from the Ministry of Housing.

Mr Stockwell: Then I guess I wasn't clear. What I wanted to know was where the money was coming from to guarantee the seniors' homes.

Mr Danielson: It's from the treasury, and that's a deferral. That money will be coming back once those homes are sold later on.

Mr Stockwell: So the Treasurer of Ontario is providing interim financing within 120 days—

Mr Danielson: No, the bank is providing the financing; the Treasurer is guaranteeing the mortgages.

Mr Stockwell: Oh, I see what you're saying. It comes back to who is servicing the loan.

Mr Danielson: The borrower is servicing the loan and the government is providing a guarantee.

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Mr Stockwell: The point I tried to make there was that if the borrowers are incapable of servicing the loan, they'll be in default because they're on fixed incomes and they don't have any money. You can levy a \$10,000 payment against them a month or a \$600 payment against them a month and it matters not; they don't have the money.

Mr Danielson: If they didn't qualify for the loan from their bank, then they wouldn't get it and they wouldn't be in a default position. What would happen is that the unit would be picked up by the co-op. It would be purchased by the co-op and they would become a co-op member and be paying the fees that were set by the co-op.

Mr Stockwell: Right, so then the co-op's got to have the money.

Mr Danielson: The co-op has to have the money and the co-op will be allocated that money, as soon as this legislation passes, for the number of units it thinks it's going to need, and perhaps even be topped up with more units if that becomes necessary.

Mr Stockwell: That's the point of the whole process. You know you need 80 units. You know you need that money for the—how much money do you need for these people who don't qualify for mortgages?

Mr Danielson: We don't know how many people that will be, at this point.

Mr Stockwell: But you only have 120 days to generate the revenue. Once it's after 120 days, they're in default; they kick them out.

Mr Danielson: They become protected occupants and they get to stay there for up to 30 months until the co-op purchases their unit or—

Mr Stockwell: Who pays for those 120 days? They're protected occupants and they pay nothing?

Mr Danielson: I'd like to direct that to our legal adviser. I'm not sure I understand.

Ms Davies: There are actually two components to that. You are correct that if in 120 days, if someone is offered a land lease, he has to determine whether he is going to purchase the land lease or whether he is going to ask the co-op to purchase it on his behalf. You are correct that the co-op must exercise that obligation to purchase that unit within 120 days. The co-op allocation will have to be firmed up within that time frame. If someone is found to be a protected occupant, that means he's not bound in title to purchase the land lease.

Mr Stockwell: Right.

Ms Davies: If that person is there within that time, he is paying an occupation charge which, for the house, is held in trust for the ultimate owner.

Mr Stockwell: Right. What if they can't afford to pay that money?

Ms Davies: The occupation charge?

Mr Stockwell: Yes.

Ms Swarbrick: It would be rent geared to income, wouldn't it?

Ms Davies: The occupation charge formula is set out in the draft regulations. Maybe Debbie Chen-Yin would like to explain the formula. But the legal question is, if they can't pay the occupation charge, they can't stay in that unit.

Mr Stockwell: They're protected occupants, so then they would get a cooperative unit?

Ms Davies: That's correct. The list provides that anyone who is found to be a protected occupant is at the top of the list for the new cooperative units.

Mr Stockwell: Right. So now they are senior citizens. They're on a fixed income. They are protected occupants. They can't afford to pay the rent. Who pays the owner the rent?

Ms Davies: No one pays the owner the rent.

Mr Stockwell: Nobody pays the owner the rent?

Ms Davies: The protected occupant can either pay the rent as it's prescribed and stay in that house, and be first on the list for the co-op, or if he can't pay the occupation charge for that house, he can't live in the house but he is still first on the list for a co-op unit. They would have to find alternative housing.

Mr Stockwell: That's my point.

Ms Davies: But the formula, as I was suggesting that finance explain, is calculated in such a way that they should be able to afford the interim occupation charges for the house.

Mr Stockwell: Oh, so it's geared to income?

Ms Davies: I don't want to speak to that—our financial person.

Mr Stockwell: It's geared to income?

Ms Chen-Yin: The occupation charge, first of all, on the land component is 7% of the land-lease price. So if we take a \$36,000 land-lease price at the prime rate in existence today—let's say 7%—they pay 7% on \$36,000 and that's their annual price.

Mr Stockwell: Well, that's in a year.

Ms Chen-Yin: That's annually. Divide it by 12 and you get their monthly rate.

Mr Stockwell: So \$3,600 if it were—

Ms Chen-Yin: On \$36,000, it's about \$220 a month. That would be the occupation charge on the land. In addition to that, there is an occupation charge on the house.

Mr Stockwell: Right.

Ms Chen-Yin: If we assume that the appraised value of the house is \$50,000, the same calculation applies. The prime rate which we've assumed is 7% of the appraised value, which is \$50,000, so it's about \$300 a month.

Mr Stockwell: It's about \$520 a month.

Ms Chen-Yin: It's \$520.

Mr Mills: As a senior you could afford that.

Mr Stockwell: From the numbers I see here, you're earning \$20,000 a year in which, what was it, 17% are, or whatever—20%? Divided by 12, after taxes, don't you

think that's pretty steep? You could speak to that best of all, I guess.

Mr Mills: I think it still falls in between 30% of their income.

Mr Stockwell: I will pass on this, Mr Chair. I'll just leave you with this. I think you should ensure, if you're trying to guarantee the uniqueness of this community, that those people who are in the homes now, whom you're trying to protect—the ones who will be hurt by this if they can't qualify will almost certainly be single mothers and seniors.

Ms Swarbrick: Just following that a touch further, if it is this person who has very low income and it works out that in fact they do have difficulty financially affording that, is it the case that since they're just paying that while they are the protected occupant and while they are among the first on the list waiting for the co-op, that they'd really just need bridging money to cover themselves for that short period, and then once they're admitted to the co-op they would be eligible for rent geared to income to stay in that home?

Ms Davies: That is correct. Another aspect of that is that the trust is empowered as a trust to even deal with that issue. The community itself may wish to assist those people in that interim, bridge period until they can go into the co-op, which will be rent geared to income, or there may be other social programs—I'm not an expert on that—which would provide them with the assistance to meet that cost in the interim till they can go into the co-op.

Ms Swarbrick: Great. Does that clarify it for you, Chris?

Mr Stockwell: Yes, that does, but I'll guarantee you the co-op will not be built in 30-some months. I will guarantee it.

The Chair: Further questions and comments?

Mr Mills: They're acquiring existing units now.

Ms Swarbrick: Right. So in fact they don't have to wait the 30 months since they're—

Mr Danielson: The co-op will be giving them an interim allocation to acquire what existing units are necessary.

Mr Stockwell: Not building at all?

Mr Danielson: They won't need to build to acquire existing units. They'll just need to bring—

Mr Stockwell: So they will go out and buy these people's homes?

Mr Danielson: They'll bring them up to standard.

Mr Stockwell: They can't, though, if they're protected occupants.

Mr Danielson: Yes, they can. It becomes a unit of the co-op.

Mr Stockwell: I see. Okay.

The Chair: Now we'll move back to the bill.

Section 30: Questions, comments or amendments to section 30? Shall section 30 carry? Carried.

Section 31: Questions, comments or amendments to section 31. Mr Stockwell has a question.

Mr Stockwell: "Liable on conviction to a fine not exceeding \$5,000." Is that—

Mr Mills: How often do you get the maximum? Is that your worry?

Mr Stockwell: Yes.

Mr Mills: That's at the discretion of the judge.

Mr Stockwell: Thank you.

The Chair: Further questions or comments to section 31. Shall section 31 carry? Carried.

Subsection 32(1): We have a government amendment to subsection 32(1).

Mr Mills: I move that subsection 32(1) of the bill be amended by adding the following paragraph:

"18.1 prescribing the manner in which price is determined under subsections 21(5) and (6)."

By way of explanation, this motion adds a regulationmaking power to determine the distribution of the proceeds from the sale of a house and land lease to a child or a joint tenant.

The Chair: Questions or comments?

Mr Mills: Oh, I've got another one.

Interjections.

The Chair: Just to Mr Mills's amendment; that's all we're speaking to at the moment.

Mr Mills: Okay. You don't want the other one, then?

The Chair: We'll deal with it next.

Mr Mills: Okay. It's also subsection 32(1), Mr Chairman, that's all.

The Chair: I'm just dealing with your particular amendment at the moment, Mr Mills.

Mr Mills: I've got paragraph 28 of subsection 32(1), which is really 32(1) as well.

The Chair: Yes. We'll deal with each amendment separately.

Mr Mills: Okay.

The Chair: Subsection 32(1), shall it carry? Carried—Mr Mills's amendment, that is.

Then you have another amendment, Mr Mills?

Mr Mills: I move that paragraph 28 of subsection 32(1) be struck out.

This motion removes the regulation-making power in respect of the Land Transfer Tax Act. Instead of dealing with a possible double land transfer tax on the transfer of an island property in a regulation under this act, there will be a regulation made directly under the Land Transfer Tax Act.

Mr Stockwell: I have a question. You're amending the Land Transfer Tax Act? No, you're not amending the Land Transfer Tax Act?

Mr Mills: Let legal deal with this.

Mr Stockwell: Right. Thank you.

Ms Davies: Originally, we had the Land Transfer Tax Act in the list of acts that this act would take precedence over in the event of a conflict and a reg-making power to deal with that. The issue was that on each sale the vendor sells to the trust and the trust to the person. There would have been two land transfer taxes.

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Mr Stockwell: I see. There should only be one.

Ms Davies: There should only be one. Revenue has agreed that it's more appropriate to put that regulation directly under its act rather than under this act.

Mr Stockwell: I see. That's a good point. Move on.

The Chair: If you'll just excuse the Chair, we have a slight bit of bureaucratic confusion with the sections. Further questions or comments?

Mr Stockwell: On what?

The Chair: Paragraph 32(1)10 is what I think we're dealing with.

Mr Stockwell: I want to talk about 10. Didn't we just do away with that or didn't we just amend that?

Mr Marchese: I was going to make a motion on that.

The Chair: Wait a minute.

Mr Mark Morrow (Wentworth East): Let's deal with Gord's first.

The Chair: Well, they're all Gord's.

Mr Morrow: I meant the ones that he read.

The Chair: We're having a little trouble getting these in the right order. Just give us one second, okay? Let's back up. We're going to back this up so that we have some chance of getting these in the right order. The one I want Mr Mills to move and for us to deal with is paragraph 32(1)10.

Mr Marchese: I was moving that. I have a motion to move that.

The Chair: Well, you can move that. That's fine.

Mr Marchese: Yes, I was prepared to do that.

The Chair: Let's not get excited.

Mr Marchese: Consistent with the motions I've made earlier, I move that paragraph 10 of subsection 32(1) of the bill be struck out and the following substituted:

"10. prescribing the process of nomination for the purpose of subsection 12(1.2)."

The Chair: Explanation.

Mr Marchese: If you recall the motion I made earlier, it's consistent with the previous motion that I made. Do you want me to explain that again? Do you want me to remind you of the previous motion? Is that what you need?

The Chair: It's the committee that needs to be reminded.

Interjections.

The Chair: Everybody remembers.

Mr Marchese: If not, I'll read the motion.

The Chair: Ouestions, comments?

Mr Stockwell: Yes. I'll have an amendment.

The Chair: All right. Do we have a printed copy of the amendment?

Mr Stockwell: Yes. I move that subsection 12(1) of the bill be struck out—10 be struck:

"That the board of directors shall be composed of not more than 15 members."

I guess I can't move that?

The Chair: No, that's out of order.

Questions, comments on Mr Marchese's amendment? All those in favour? A recorded vote.

Aves

Mammoliti, Marchese, Morrow, Swarbrick.

The Chair: Opposed?

Nays

Eddy, Mills, Sola, Stockwell.

The Chair: I will vote in the affirmative. Mr Stockwell: What are you doing that for?

Interjection: He must; he's the Chair. Mr Mills: Does that mean it's passed? The Chair: The motion is carried. Mr Mills: There's another motion.

The Chair: Just a minute. Mr Marchese has one before that, I believe.

Mr Marchese: For paragraph 12. I move that paragraph 12 of subsection (1) be struck out and the following substituted:

"12. prescribing the requirements for the purpose of subsection 17(4)."

It's a motion which I made earlier on.

The Chair: Could we have the explanation?

Mr Marchese: If you recall, the motion I made was about a special case, the purchase price for a land lease that is sold under this section before the first anniversary of the day this act comes into force to an owner who is a senior as defined in the regulation and who meets the prescribed requirements. The intent of this motion is to make it consistent with that motion.

The Chair: Thank you, Mr Marchese. Questions, comments on Mr Marchese's amendment? Shall Mr Marchese's amendment carry? Carried.

Paragraph 32(1)28: Mr Mills.

Mr Mills: I move that paragraph 28 of subsection 32(1) be struck out.

This, as I have already explained, involves the land tax act.

The Chair: Questions or comments to Mr Mills's amendment? Shall Mr Mills's amendment carry? Carried.

Are there questions or comments on subsection 32(1) as an entirety?

Mr Mills: Yes. I've got this— Interjection: It's been passed. Mr Mills: It's been passed?

The Chair: Yes.

Mr Mills: Oh, okay; I'm sorry.

The Chair: Okay. Is everybody straight? Shall subsection 32(1), as amended, carry?

Mr Stockwell: No, no, no, no, no.

The Chair: Recorded vote?

Mr Stockwell: Subsection (1)? You're not going to deal with (2)?

The Chair: We're going to deal with (2) after this.

Mr Stockwell: That's usually how we do it, isn't it?

The Chair: Shall subsection 32(1), as amended, carry? Carried.

Subsection 32(2): Questions, comments or amendments?

Mr Stockwell: What is open for review every 10th year?

Mr Mills: Financial arrangements.

Mr Stockwell: Yes. So, in essence, can the prices be inflated and the depreciation reduced? You know, if inflation is running at 14%, can you roll it back? Are all those things open?

Mr Mills: The formulas can be adjusted, I'm told. Mr Stockwell: Is it a unilateral decision by the—

Mr Mills: Minister. Cabinet.
Mr Stockwell: —the minister?

Mr Mills: Yes.

Mr Stockwell: There's no commissioner any more?

Mr Mills: The Lieutenant Governor in Council.

Mr Stockwell: There's no commissioner any more. There's only the trust.

Mr Mills: That's right.

Mr Eddy: Why are we using "shall" here instead of "may"? Having gone through the argument in another bill on several occasions, it could not be "shall" because you could not direct anybody to do it. It doesn't really matter.

Interjections.

The Chair: Order. Legal counsel, can you—

Ms Mifsud: "Shall," I think, is a little more encouraging for them to do so. I don't know if they're actually going to be bound. I think you can bind that cabinet can review it, but I don't know if you can, if the Lieutenant Governor in Council is opposed, do much. But it certainly is stronger than "may."

Mr Eddy: I realized that, and having wanted to use the word "shall" instead of "may" but having been put down on several occasions that you cannot direct, that it can only be "may," it just seemed odd, but I'm prepared to be flexible.

The Chair: Thank you. Are there further questions or comments on subsection 32(2)? Shall subsection 32(2) carry? Carried.

Mr Sola, you have an amendment?

Mr Sola: Yes, I have an amendment to subsection 32(3). I move that section 32 of the bill be amended by adding the following subsection:

"Review of act

"32(3) The Minister of Municipal Affairs shall review the operation of this act within ten years of its passing and propose amendments to the act in accordance with current economic conditions."

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It's almost a duplication of subsection 32(2), except that only pertains to the regulations. This pertains to the whole act. The reason I'm proposing this amendment is twofold. First of all, Tony O'Donohue raised the spectre

yesterday of this maybe being a sweetheart deal and that we could live to regret it down the road. Second, I think some of Mr Stockwell's questions today have shown us that we are stepping into some murky waters, and once they clear up we may wish to take a second stab at this legislation.

I would like to make the following comment: I respect the opinion of both Tony O'Donohue, who was leery of this legislation, and of Richard Johnston, who proposed it. The question is, who is correct? If Richard Johnston's prognostication is correct, this amendment will be unnecessary. However, if Tony O'Donohue is correct, then this amendment will be a godsend.

I would prefer if Mr Johnston is correct. However, I fear that Tony O'Donohue's fears will prove to come true. Therefore, that's the reason I'm proposing this, so we can have a second go at it if necessary.

Mr Mammoliti: I don't think it's necessary. I think that ministers have it within their mandate as ministers to look into the acts within their ministries and they could update and amend whenever they want to. This would just be a waste of space in the legislation, as far as I'm concerned. As well, the word "shall," as described earlier, would not mean that the minister would be forced to change any legislation. It would mean that the minister would review it and then make a decision, so I don't think it's necessary. I think that ministers, in order to fulfil their jobs, have got to look at their legislation on an everyday basis. Their staff is to inform them of any problems that might arise, and when they do they would inform the Legislature and make those amendments when necessary. So I don't think it's necessary to take up the space in the legislation.

Mr Marchese: Just to add a few more comments: The suggested amendment by Mr Sola has two parts. The second part is already included in what we just passed under subsection 32(2). The first part, "The Minister of Municipal Affairs shall review the operation of this act within 10 years," I don't think is necessary. I think Mr Mammoliti is correct in suggesting that if it becomes necessary, the minister may have to do a review of the act within a year; he may have to do it within two years. But I don't think that a minister or ministry needs to be told to do a review within 10 years, because it isn't necessary. If it is, they will and if it isn't, then it isn't.

Mr Mills: I'm going to repeat what my colleagues have said. We have already, in 32(2), the ability to review the economic conditions in 10 years, and the government of the day can review any piece of legislation at any time. If things go awry I wouldn't want them to wait 10 years, so I don't see it's necessary. I will be voting against this amendment.

Ms Swarbrick: I think my colleagues have done an adequate job of describing our rationale for opposing the amendment.

The Chair: There are two more of them yet.

Mr Stockwell: There's a broader public policy that needs to be debated and hasn't been debated in this committee process. The debate has centred on the present-day issues. Although there are differences among all parties as to how we see those differences, there's disagreement, I

accept the fact that this government is duly elected and can carry out these kinds of decisions. Frankly, having been debating this issue for some 10 years, I'm distressed that this is the way the process is going to end. I come by that position very honestly; it's not through any dislike, distaste or hatred. I try not to think that I could have that feeling for the islanders; I don't. I sincerely do not. But there's a broader public policy that needs to be addressed.

There is little, if anything, that I would ever agree to for 99 years; 99 years is a very, very long time; 99 years is a chance for mistakes to be compounded and ruin in certain instances, certain examples. Governments enter into these kinds of decisions on a fairly regular basis. The number of times I've seen them enter into 99-year terms, it seems that at some point during that time, somebody somewhere regrets it was a 99-year lease.

I don't think any of us are capable of seeing 100 years in the future. Think back. If this particular lease had been negotiated 100 years ago, it would be 1893 when it was negotiated. Think how different this country, this city, these islands are today than they were in 1893. That's the kind of binding, long-term agreement this committee has been entrusted to debate.

I think Mr Sola makes a very reasoned recommendation. I would have gone further. I would have suggested they be opened up for thorough and total renegotiation. I would have taken 15 years; I would have taken 20; I would have taken 30; I would have taken 50. I would have taken anything less than 99 years, because when I heard the government members say, "This has dragged on so long, this debate has carried on for 30 years and we're tired and the people are tired"—think about it: 30 years it dragged on. That's not even one third of the length of time you're going to make this agreement for; not even one third.

Ms Swarbrick: Yesterday you said within two years you're going to undo it.

Mr Stockwell: There may be suggestions that it can be undone. It may well be able to be undone, but it's going to be difficult. In 25 years, maybe the entire population will want it to be undone because we'll be a city of six million people or eight million, with no parkland anywhere. You'll be searching for areas to create park space and we'll have signed a deal for 99 years for a co-op in housing.

It doesn't seem unreasonable, and if you think 10 years is unreasonable, make it 20; make it 30; make it 40. But I just don't understand how this government—and I'll make this the final note—that three years ago could be so sure of itself with regard to public auto insurance, could be so sure of itself with regard to casino gambling, could be so sure of itself with regard to a lot of public policy and completely change its mind in three short years, is capable of making a decision that will affect Metropolitan Toronto residents for 99 years.

Ms Swarbrick: That was then; this is now.

Mr Stockwell: That was then; this is now. I've heard that. But it just astounds me that you of all people, who could change your minds so dramatically, so totally in a few short years, can be so sure of yourselves for 99. I'll support it. I would ask the government members, if they

don't think it's long enough, if the terms aren't far enough out, extend them. Make it 50 years. But I leave you with that final thought. I knew some of you before your lives as MPPs and I remember some of the things you used to say and some of the things you stood for. I just hope you're not making the mistake here that you made pre-NDP government. You know full well, folks, the list is literally endless.

Mr Sola: The reason I proposed this—I realize that 32(2) deals with part of it, but having sat on the regulations committee ever since I've been elected in this House, I just want to point out, how often does the public get to review regulations? Regulations can be changed without the public ever having any knowledge of it. Therefore, if things are embarrassing for the government at the time, it can change things just to sweep embarrassments under the rug, so to speak. This sort of quasi-sunset clause on the whole bill will give the Legislature a much better chance to bring it up and review it, if necessary. If not, who wants to bring it up? But if things occur, at that time it may be and probably will be a different government that will be trying to sweep things under the rug.

I may live to regret having proposed this, if I'm still here at that time, but I think, because there is the chance that this can prove to be detrimental to the public at large, we should have a chance to review the whole bill. I would hope that Richard Johnston is correct and that Gordon Cressy is correct and that most of the islanders are correct that this will prove to be a just bill and that we will be able to get a headache out of the way. But just in case the headache increases, I would like to be able to have a better stab at correcting mistakes in the future.

The Chair: Further questions or comments on Mr Sola's amendment, 32(3)? Shall Mr Sola's amendment to 32(3) carry?

Mr Mills: Carried.
The Chair: Carried?

Mr Mills: Wait a minute. What did I say?

The Chair: "Carried."

Mr Mammoliti: Is this a proposed motion?

Mr Mills: I was talking.

The Chair: You were. Shall Mr Sola's amendment, subsection 32(3), carry?

Mr Stockwell: Mr Chair, are we reopening this now?

Mr Marchese: We're waiting for the vote.

Mr Stockwell: It was carried. What are you talking about? Everybody said—

The Chair: Order.

Interjection: I heard Gord did.
Mr Stockwell: Nobody said no.
Mr Mammoliti: Recorded vote.
The Chair: Order. Recorded vote.

All in favour of Mr Sola's amendment, 32(3)?

Ayes

Eddy, Sola, Stockwell. **The Chair:** Opposed?

Nays

Harrington, Mammoliti, Marchese, Mills, Morrow, Swarbrick.

Mr Sola: I'd just like to thank Ms Mifsud of legislative counsel for formulating this on such short notice from me.

The Chair: Thank you. Section 33, we have an amendment.

Mr Mills: I'd like to move that section 33 of the bill be amended by striking out "the Land Transfer Act" in the third line. This motion removes from the list, which we explained before.

The Chair: I think you meant to say "Land Transfer Tax Act."

Mr Mills: Didn't I say that?
The Chair: You were close, but—

Mr Stockwell: We're not doing it as the land transfer act?

Mr Mills: Land Transfer Tax Act.

The Chair: Questions or comments on Mr Mills's amendment to section 33? All in favour? Carried.

Section 34, questions, comments, amendments? Shall section 34 carry? Carried.

Section 35, questions, comments, amendments? Carried.

Section 36? Carried.

Shall the schedule carry? Carried. Shall the title carry? Carried. Shall the bill, as amended, carry? **Mr Stockwell:** Recorded vote.

Mi Stockwen. Recorded vote.

The Chair: Recorded vote. All in favour?

Aves

Harrington, Mammoliti, Marchese, Mills, Morrow, Swarbrick.

The Chair: Opposed?

Nays

Eddy, Sola, Stockwell. **The Chair:** Carried.

Shall the Chair report Bill 61, An Act respecting Algonquin and Ward's Islands and respecting the Stewardship of the Residential Community on the Toronto Islands, as amended, to the House? Agreed.

Before I adjourn the committee, I would like to thank the members for their cooperation.

Mr Stockwell: Don't mention it.

The Chair: I'd like to thank all the staff involved and particularly again the clerk. I think this is her first experience at this particular process. With that, we shall adjourn.

The committee adjourned at 1655.







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Toronto Islands Residents Association
Mary Anderson, co-chair
Toronto Environmental Alliance
Gerard Coffee, representative
Sheila Murray
Cheryl West
Morris Hill
Gordon Cressy
Lindsay Stephens

STANDING COMMITTEE ON GENERAL GOVERNMENT

Arnott, Ted (Wellington PC)

Ferguson, Will, (Kitchener ND)

Fletcher, Derek (Guelph ND)

Poole, Dianne (Eglinton L)

Substitutions present / Membres remplaçants présents:

Eddy, Ron (Brant-Haldimand L) for Ms Poole

Farnan, Mike (Cambridge ND) for Mr Farnan

Grandmaître, Bernard (Ottawa East/-Est L) for Mr McClelland

Mills, Gordon (Durham East/-Est ND) for Mr Hope

Morrow, Mark (Wentworth East/-Est ND) for Mr Fletcher

Stockwell, Chris (Etobicoke West/-Ouest PC) for Mr Murdoch

Swarbrick, Anne (Scarborough West/-Ouest ND) for Mr Ferguson

Turnbull, David (York Mills PC) for Mr Arnott

Also taking part / Autres participants et participantes:

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^{*}Chair / Président: Brown, Michael A. (Algoma-Manitoulin L)

^{*}Acting Chair / Président suppléant: Sola, John (Mississauga East/-Est L) Vice-Chair / Vice-Président: McClelland, Carman (Brampton North/-Nord L)

^{*}Harrington, Margaret H. (Niagara Falls ND) Hope, Randy R. (Chatham-Kent ND)

^{*}Mammoliti, George (Yorkview ND)

^{*}Marchese, Rosario (Fort York ND)

Murdoch, Bill (Grey PC)

^{*}In attendance / présents



ACCOPRESS***



YELLOW	25070	JAUNE
BLACK	25071	NOIR
BLUE	25072	BLEU
RL, BLUE	25073	RL. BLEU
GREY	25074	GRIS
GREEN	25075) VERT
RUST	25078	ROUILLE
EX RED	25079	ROUGE

ACCO CANADA INC. WILLOWDALE, ONTARIO

* INDICATES 75% RECYCLED 25% POST-CONSUMER FIBRE



°SIGNIFIE 75 % FIBRES RECYCLÉES, '25 % DÉCHETS DE CONSOMMATION

BALANCE OF PRODUCTS \ AUTRES PRODUITS: 25% FIBRES RECYCLÉES

